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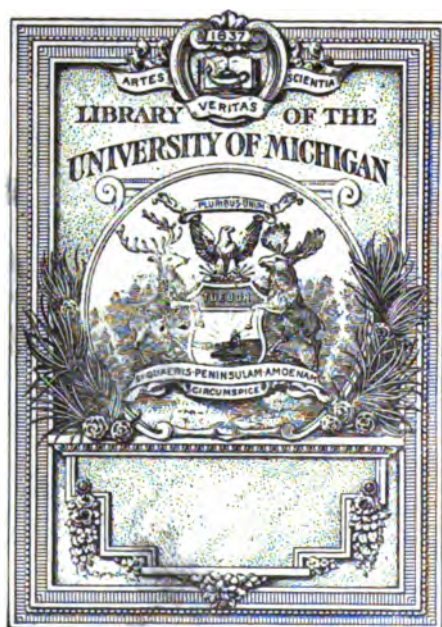
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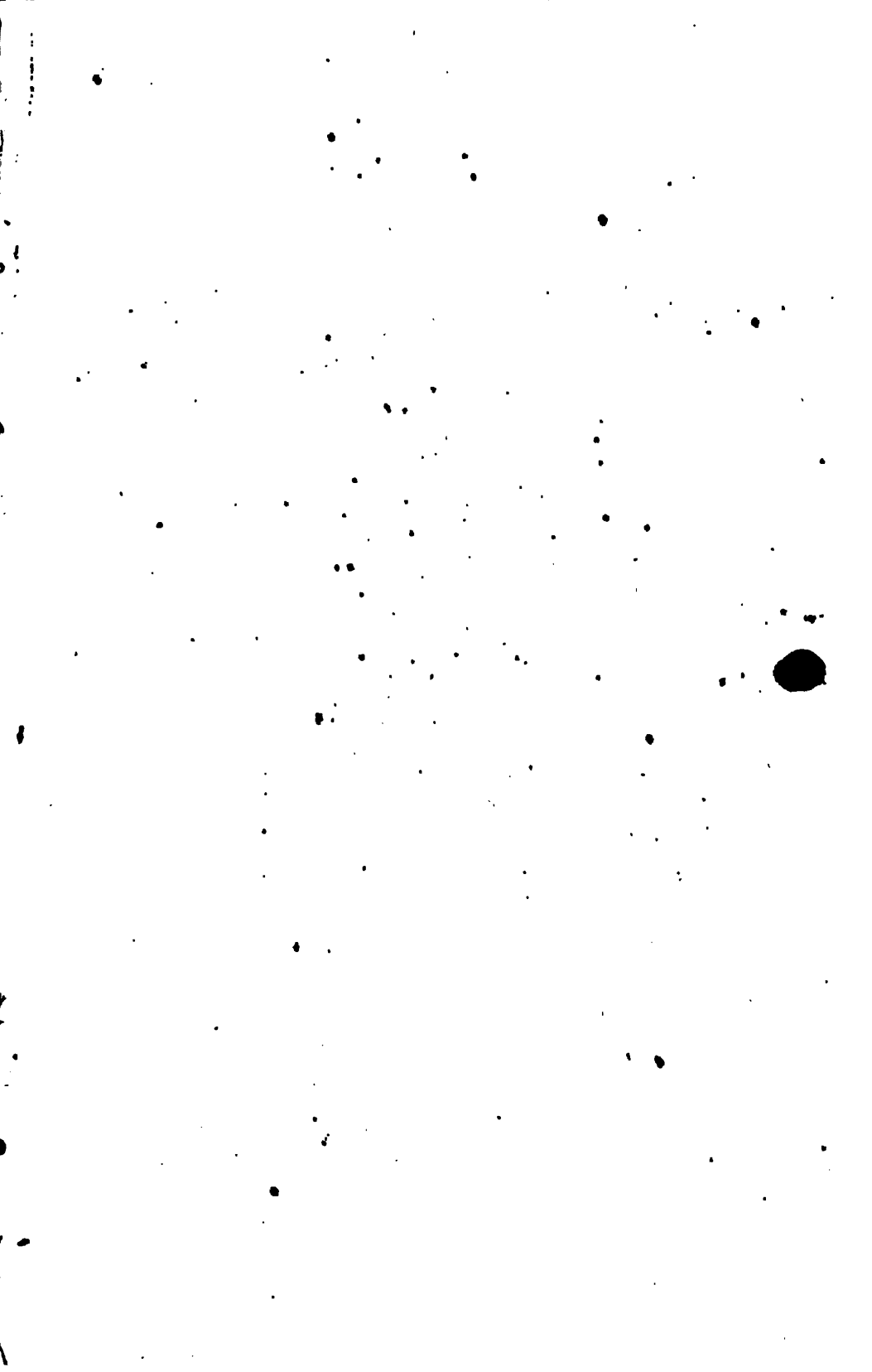


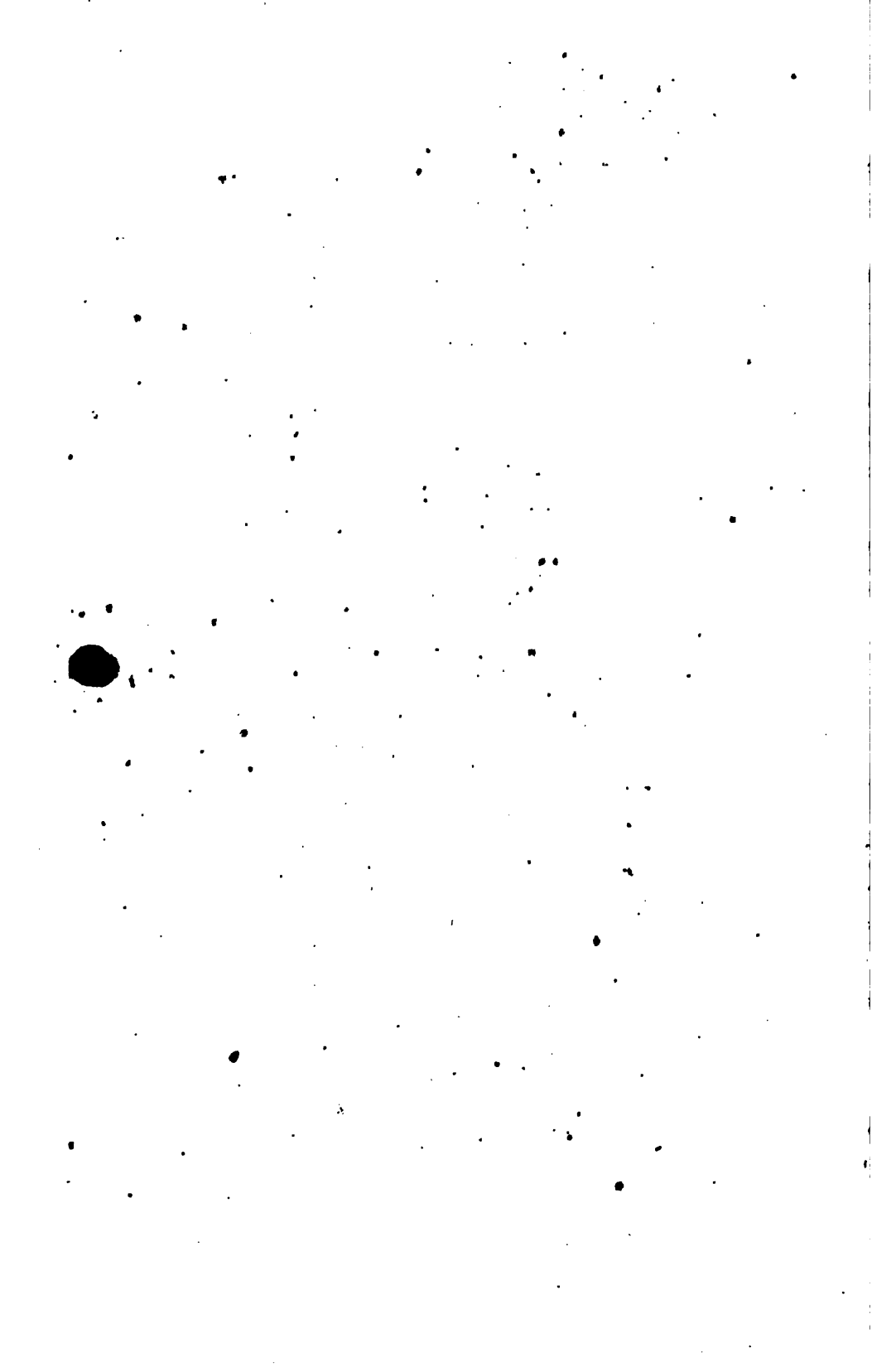


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JOURNAL  
OF  
THE SENATE  
OF  
THE STATE OF INDIANA,  
DURING THE  
TWENTY-EIGHTH SESSION  
OF THE  
GENERAL ASSEMBLY.

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1873.



JOURNAL  
OF  
THE SENATE  
OF  
THE STATE OF INDIANA.

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*The twenty-eighth session of the General Assembly of the State of Indiana, begun and held at the Capitol, in the city of Indianapolis, on Monday, the fourth day of December, in the year of our Lord one thousand eight hundred and forty-three.*

P R E S E N T :

The Hon. THOMAS D. WALPOLE, President *pro. tempore* of the Senate, directed a call of the members; when the following Senators answered to their names, viz :

*From the counties of Allen, Adams, Wells and Huntington—Joseph Sinclear ;*

*From the counties of Gibson, Pike, and Dubois—Smith Miller ;*

*From the county of Lawrence—George W. Carr ;*

*From the county of Morgan—Parmenter M. Parks ;*

*From the counties of Hancock and Madison—Thomas D. Walpole ;*

*From the counties of Owen and Green—David M. Dobson ;*

*From the counties of Orange and Crawford—Isaac Sands ;*

*From the county of Parks—Hugh J. Bradley ;*

*From the county of Ripley—William T. S. Cornett ;*

*From the county of Rush—Benjamin F. Reeve ;*

*From the county of Clarke—James G. Read ;*

*From the county of Wayne—Lewis Burke and David Hoover ;*



*From the counties of Warren, Benton, Jasper, Pulaski and White—*  
James H. Buell ;

*From the counties of Vanderburgh and Posey—*John Pitcher ;

*From the county of Washington—*William Shanks ;

*From the counties of Daviess and Martin—*Abner M. Davis ;

*From the county of Hendricks—*Archibald Alexander ;

*From the counties of Boone and Hamilton—*Mark A. Duzan ;

*From the counties of Bartholomew and Jennings—*Zechariah Tannehill ;

*From the county of Johnson—*James Ritchey ;

*From the county of Vermillion—*Stephen S. Collett ;

*From the counties of Jackson and Scott—*John F. Carr ;

*From the counties of Monroe and Brown—*Eli P. Farmer ;

*From the county of Harrison—*Dennis Pennington ;

*From the counties of Delaware and Grant—*James Hodge ;

*From the counties of Perry, Spencer, and Warrick—*Robert G. Cotton ;

*From the county of Shelby—*John Y. Kennedy ;

*From the county of Henry—*Thomas R. Stanford ;

*From the counties of Elkhart, Kosciusko, and Whitley—*William B. Mitchell.

#### SENATORS ELECTED IN 1843.

The following gentlemen, elected Senators since the last General Assembly, appeared, and having produced their credentials and taken the oath prescribed by the constitution, took their seats, to-wit :

*From the county of Knox—*John Ewing ;

*From the county of Putnam—*Albert G. Hutton ;

*From the counties of Cass, Miami, and Wabash—*William M. Reyeburn ;

*From the counties of Clinton and Carroll—*Andrew Major ;

*From the county of Dearborn—*George P. Buell ;

*From the county of Decatur—*James Morgan ;

*From the counties of Fayette and Union—*James Leviston ;

*From the county of Floyd—*John S. Davis ;

*From the county of Fountain—*C. V. Jones ;

*From the county of Franklin—*George Berry ;

*From the counties of Laporte, Lake, and Porter—*Joseph W. Chapman ;

*From the county of Montgomery—*Frederick Moore ;

*From the counties of St. Joseph, Marshall, and Fulton—*John D. Defrees ;

*From the counties of Noble, Lagrange, Steuben and DeKalb—*David B. Herriman ;

*From the counties of Randolph, Blackford and Jay—*Isaac F. Wood ;

*From the county of Tippecanoe—*Godlove S. Orth ;

*From the counties of Vigo, Sullivan and Clay—Ransom W. Akin ;*  
*From the county of Switzerland—David Henry ;*  
*From the county of Jefferson—Shadrach Wilber ;*  
*From the county of Marion—Thomas J. Todd.*

By order,

The Senate proceeded to the election of Principal Secretary, Messrs. Dobson and Morgan acting as tellers ; when, on counting the first ballot, it appeared that

Douglass Maguire received	-	-	23 votes
Alex. F. Morrison	"	-	24 "
William T. Otto	"	-	1 "
Thomas P. Baldwin	"	-	1 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a second balloting, when

Douglass Maguire received	-	-	23 votes
Alexander F. Morrison	"	-	25 "
William T. Otto	"	-	2 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a third balloting, when

Alexander F. Morrison received	-	-	25 votes
William T. Otto	"	-	22 "
Blank	-	-	3 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a fourth balloting, when

Alexander F. Morrison received	-	-	24 votes
William T. Otto	"	-	23 "
James M. Talbott	"	-	1 "
John D. Stewart	"	-	1 "
Charles H. Test	"	-	1 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a fifth balloting, when

Alexander F. Morrison received	-	-	18 votes
William T. Otto,	"	-	24 "
James M. Talbott	"	-	2 "
John D. Stewart	"	-	1 "
Charles H. Test	"	-	5 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a sixth balloting, when

Alexander F. Morrison received	-	-	11 votes
William T. Otto	"	-	12 "
James M. Talbott	"	-	1 "
John D. Stewart	"	-	10 "
Charles H. Test	"	-	12 "
James T. Moffat	"	-	2 "
Thomas P. Baldwin	"	-	1 "
Blank	-	-	1 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a seventh balloting, when

Alexander F. Morrison received	-	-	9 votes
William T. Otto	"	-	23 "
James M. Talbott	"	-	1 "
John D. Stewart	"	-	3 "
Charles H. Test	"	-	12 "
James T. Moffat	"	-	2 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to an eighth balloting, when

Alexander F. Morrison received	-	-	22 votes
William T. Otto	"	-	23 "
Charles H. Test	"	-	2 "
James T. Moffat	"	-	2 "
Blank	-	-	1 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a ninth balloting, when

Alexander F. Morrison received	-	-	22 votes
William T. Otto	"	-	20 "
James M. Talbott	"	-	3 "
Charles H. Test	"	-	2 "
James T. Moffat	"	-	3 "

When, on motion of Mr. Read,

The Senate adjourned until 1 o'clock P. M.

*1 o'clock P. M.*

The Senate met pursuant to adjournment, and proceeded to a tenth balloting for Principal Secretary; no one having received a majority on any former balloting, when it appeared that

William T. Otto received	-	-	26 votes
James M. Talbott	"	-	23 "
Charles H. Test	"	-	1 "

William T. Otto having received a majority of all the votes given, was declared duly elected, sworn into office by Judge Dewey, and entered upon the duties of the same.

On motion of Mr. Ritchey,

The Senate proceeded to the election of an Assistant Secretary, Messrs. Defrees and Parks acting as tellers; when, on counting the first ballot, it appeared that

John D. Ferguson received	-	-	1 vote
William H. King	"	-	4 "
Henry L. Arnold	"	-	2 "
J. H. Farquhar	"	-	12 "

David S. Beattie	"	-	-	1	"
Isaac N. Akin	"	-	-	3	"
Edward C. Doran	"	-	-	19	"
A. W. Dumont	"	-	-	6	"
Robert N. Williams	"	-	-	1	"
Hannah	"	-	-	1	"

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a second balloting, when

Henry L. Arnold received	-	-	-	1	vote
J. H. Farquhar	"	-	-	12	"
David S. Beattie	"	-	-	4	"
Isaac N. Akin	"	-	-	4	"
Edward C. Doran	"	-	-	24	"
A. W. Dumont	"	-	-	4	"
Robert Williams	"	-	-	1	"
Hannah	"	-	-	1	"

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a third balloting, when it appeared that

J. H. Farquhar received	-	-	-	11	votes
David S. Beattie	"	-	-	2	"
Isaac N. Akin	"	-	-	6	"
Edward C. Doran	"	-	-	28	"
A. W. Dumont	"	-	-	2	"
Williams	"	-	-	1	"

Edward C. Doran having received a majority of all the votes given, was declared duly elected, was sworn into office by Judge Dewey, and entered upon the duties of the same.

On motion of Mr. \_\_\_\_\_

The Senate went into the election of a Door-keeper, Messrs. Tannehill and Ritchey acting as tellers; when, on the sixteenth balloting being counted, it appeared that

John Bishop received	-	-	-	27	votes
R. C. Allison	"	-	-	2	"
John Cook	"	-	-	20	"
Blank	"	-	-	1	"

John Bishop having received a majority of all the votes given, was declared duly elected, sworn into office by Judge Dewey, and entered upon the discharge of his duties.

On motion,

The Senate adjourned.

TUESDAY MORNING, DECEMBER 8th, 1843.

The Senate assembled.

On motion of Mr. Davis of Daviess and Martin,

*Resolved*, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected Wm. T. Otto, Principal Secretary, Edward O. Doran, Assistant Secretary, and John Bishop, Door-keeper, and that they are now ready to proceed to Legislative business.

On motion of Mr. Cornett,

*Resolved*, That the editors and reporters of the newspapers in this State, who are or may be in attendance during the present session of the legislature, be permitted to occupy seats in the Senate chamber for the purpose of reporting proceedings for their respective papers.

On motion of Mr. Parks,

*Resolved*, That the Senate will not elect a Sergeant-at-Arms until it be found indispensably necessary to have such an officer.

Mr. Akin offered the following resolution:

*Resolved*, That the Door-keeper be authorized to employ two assistants at a compensation not exceeding one dollar and fifty cents per day;

Which was adopted.

Mr. Read offered the following resolution:

*Resolved*, That the rules in force for the government of the Senate during the last session, be adopted for its government during the present;

Which was adopted.

On motion of Mr. Davis of Daviess,

*Resolved*, That the joint rules which were in force for the government of the last General Assembly, be adopted by the Senate as the rules of the joint action for the present session, and that the House of Representatives be informed of the adoption of said joint rules, and their concurrence requested therein.

The following message was received from the House of Representatives by Mr. English their Principal Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution, to-wit:

*Resolved*, That the Clerk of the House inform the Senate, that the House of Representatives have convened, formed a quorum, elected Andrew L. Robinson, Speaker, William H. English, Principal Clerk, William Jennings Vawter, Assistant Clerk, John S. Berryhill, Door-keeper, and are now ready to proceed to legislative business.

On motion of Mr. Cornett,

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed on Saturday next, at the hour of 10 o'clock, A. M., to the election of Treasurer and Auditor of State, to fill the vacancies occasioned by the expiration of the term of Service of the present incumbents.

The following resolution was offered by Mr. Parks:

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed at 2 o'clock, P. M., on Friday, the 8th inst., to elect President Judges to fill the several vacancies which have occurred since the last session of the General Assembly.

Which Mr. Ewing moved to amend by striking out "Friday the 8th" and inserting "Tuesday the 13th."

On motion of Mr. Read,

The resolution with the amendment was laid on the table.

Mr. Mitchell offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill providing for the call of a convention to alter and amend the Constitution of the State.

Which, on motion of Mr. Miller,

Was laid on the table.

The following message was received from the House of Representatives by Mr. Vawter their Assistant Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution:

*Resolved*, That a committee of two be appointed on the part of this House, to act with a similar committee on the part of the Senate, to wait on the Rev. Mr. Beecher, and request him to attend in the Hall of the House of Representatives, to-day, at two o'clock, P. M., to open the present session of the General Assembly by prayer, and that the Senate be requested to reciprocate this resolution; and that seats be prepared for them on the right of the Speaker's chair;

Messrs. Saffer and Parker are appointed a committee on the part of the House.

On motion,

The Senate reciprocated the above resolution of the House; and

Messrs. Bradley and Dobson were appointed on behalf of the Senate to wait on the Rev. Henry W. Beecher.

Mr. Chapman offered the following resolution:

*Resolved*, That the Door-keeper of the Senate be directed to ascertain the terms upon which the publishers of the Indiana State Sentinel and Indiana State Journal, will furnish each Senator with three copies of the "Daily State Sentinel" and "Daily State Journal" during the continuance of the present session of the General Assembly.

Mr. Sands moved to amend the resolution by inserting after the word Senator "at his own expense".



Whereupon, on motion of Mr. Pennington,  
The resolution with amendment was laid on the table.

Mr. Todd offered the following resolution:

*Resolved*, That the House of Representatives be requested to return to the Senate the resolution transmitted to the House of Representatives, in relation to the election of the Auditor and Treasurer of State ;

Which was adopted.

Mr. Davis of Daviess offered the following:

*Resolved*, That the Door-keeper of the Senate be instructed to contract with the editors of the Indiana State Sentinel and Indiana Journal for three numbers each of said papers, to be furnished daily to each Senator, at the lowest possible rates.

Mr. Ewing moved to lay the resolution on the table ;

The ayes and noes were demanded by Messrs. Herriman and Davis of Daviess.

*Those who voted in the affirmative are,*

Messrs. Alexander, Berry, Bradley, Burke, Carr of J., Carr of L., Collett, Cornett, Cotton, Davis of F., Duzan, Ewing, Farmer, Henry, Hodge, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Moore, Morgan, Parks, Pennington, Sands, Stanford, Tannehill, Todd, Walpole, Wilber and Wood—32.

*Those who voted in the negative are,*

Messrs. Akin, Buell of D., Buell of W., Chapman, Davis of D., Defrees, Dobson, Herriman, Jones, Mitchell, Orth, Read, Reeve, Reyburn, Ritchey, Shanks and Sinclear—17.

So the resolution was laid upon the table.

On motion of Mr. Todd,

The resolution of Mr. Chapman was taken from the table.

Messrs. Morgan and Stanford demanded the ayes and noes on the adoption of Mr. Sand's amendment:

*Those who voted in the affirmative are,*

Messrs. Berry, Burke, Carr of L., Collett, Cornett, Cotton, Davis of F., Ewing, Farmer, Henry, Kennedy, Leviston, Major, Miller, Moore, Morgan, Parks, Pennington, Sands, Stanford, Todd, Walpole, Wilber and Wood—24.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Buell of D., Buell of W., Carr of J., Chapman, Davis of D., Defrees, Duzan, Herriman, Hodge, Hoover, Hut-

ton, Jones, Mitchell, Orth, Pitcher, Read, Reeve, Reyburn, Ritchey, Shanks, Sinclear and Tannehill—24.

So the amendment was lost.

Mr. Morgan moved the indefinite postponement of the resolution; Messrs. Sands and Morgan demanded the ayes and noes;

*Those who voted in the affirmative are,*

Messrs. Alexander, Burke, Carr of J., Carr of L., Collett, Cornett, Cotton, Davis of F., Duzan, Ewing, Farmer, Henry, Hoover, Kennedy, Leviston, Major, Miller, Moore, Morgan, Parks, Pennington, Pitcher, Sands, Stanford, Tannehill, Walpole and Wilber—27.

*Those who voted in the negative are,*

Messrs. Akin, Buell of D., Buell of W., Chapman, Davis of D., De-frees, Herriman, Hodge, Hutton, Jones, Mitchell, Orth, Read, Reeve, Reyburn, Ritchey, Shanks, Sinclear, Todd and Wood—20.

So the resolution was indefinitely postponed.

Mr. Stanford offered the following resolution:

Which was adopted.

*Resolved*, That a committee of two members of the Senate be appointed to act with a similar committee to be appointed on the part of the House, to wait on His Excellency the Governor, and learn of him at what time he will make his annual communication to the present General Assembly, and report their proceedings to their respective Houses, and that the House of Representatives be informed of the adoption of this resolution;

Messrs. Stanford and Read are appointed a committee on the part of the Senate.

Mr. Mitchell moved to reconsider the above resolution;

Which motion was lost.

The following message was received from the House of Representatives by their Assistant Clerk, Mr. Vawter:

**MR. PRESIDENT:**

I am instructed by the House of Representatives to inform the Senate that the House have adopted the following resolution:

*Resolved*, That a committee of two be appointed on the part of the House to act with a similar committee to be appointed on the part of Senate to wait on the Governor, and inform him that the two Houses have convened and organized, by the election of their officers, and that they are now ready to receive any communication he may be pleased to make, and to know at what time he may be please to make such communication.

Messrs. Rich and Morgan are appointed a committee on the part of the House.

On motion of Mr. Pennington,  
The above resolution of the House was reciprocated by the Senate.

Mr. Davis of Daviess presented a petition in relation to the location of a certain road in Daviess county.

And on motion of Mr. Ewing,  
The said bill was laid on the table.

On motion of Mr. Ritchey,  
The Senate adjourned until 2 o'clock.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Dobson of the joint committee, appointed to wait on the Rev. Henry W. Beecher, submitted the following report:

**MR. PRESIDENT:**

The joint committee appointed to wait on the Rev. Henry W. Beecher, a minister of the Gospel, and request him to attend in the Hall of the House of Representatives this day, for the purpose of opening the present session of the General Assembly with prayer, have performed that duty, and have received for answer, that he will attend at 2 o'clock, P. M., as requested by your committee.

Mr. Stanford of the joint committee appointed to wait upon the Governor, presented the following report:

**MR. PRESIDENT:**

The joint committee appointed to wait upon his Excellency the Governor, and ascertain at what time he would make his annual communication, now report,

That they have discharged that duty, and have been informed by His Excellency that he will at half past 2 o'clock, P. M., on this day make his annual communication to the two Houses, in the Hall of the House of Representatives.

The following message was received from the House of Representatives by their Principal Clerk, Mr. English:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution:

*Resolved,* That the Senate be requested to attend in the Hall of the House of Representatives, instanter, to hear the prayer of the Rev. Henry W. Beecher, on the opening of the present session, and that seats be provided for them on the right of the Speaker's chair.

On motion of Mr. Herriman,

The above resolution of the House was reciprocated by the Senate.

The Senate then proceeded to the Hall and took their seats on the right of the Speaker's chair, the President *pro tem.* of the Senate on the right of the Speaker.

The Rev. Henry W. Beecher then offered up an appropriate prayer to the Throne of divine grace.

After which, His Excellency the Governor, attended by the joint committee appointed to wait upon him, came into the Hall, and in person, delivered the following message in the presence of both Houses:

*Gentlemen of the Senate*

*and House of Representatives:*

Convened under the Constitution as the Representatives of the people, it becomes us on proceeding to the discharge of our public duties, to remember the Supreme Ruler of the Universe, for the blessings which have crowned the year now drawing to a close. We have peace with all the world. Commotions and feuds have not been permitted to disturb the harmony of the Union. Bountiful crops have rewarded the labors of the husbandman. An unusual degree of health has prevailed in almost every part of the State. Although the last few years have been attended with a depression which caused all our interests to droop and languish, the indications that industry will again receive its appropriate reward, are calculated to inspire hope and confidence.

Since the last meeting of the legislature, nothing has transpired which has produced any material alteration in our affairs, or which calls for any special legislative interference, beyond the ordinary duties which annually require consideration; although some of the matters that will claim your attention, involve considerable difficulty.

The current expenses of the Government for the fiscal year ending on the 31st of last October, were \$90,897 00 as shown by the report of the Treasurer of State, which is herewith laid before the legislature.

The Auditor in his report, herewith submitted, estimates the sum necessary for the current fiscal year at \$100,000 00.

The revenue of the present year, levied and collected by law, will amount to about \$240,000 00. Nearly all of this sum will be paid in Treasury Notes. It is not my wish or intention to interfere with the course of policy, which it may be found expedient to adopt, after my connection with the government of the State shall be dissolved; but I trust I shall not be regarded as travelling beyond the appropriate sphere of my duties, in reiterating the recommendation contained in my last annual message against the re-issue of Treasury Notes, if it can possibly be avoided. They form a very considerable portion of the circulating medium in many parts of the State, passing at a value below par; and a re-issue would inevitably produce their farther depreciation, thereby inflicting an additional loss upon the people which they could illy endure. Throwing these Notes again into circulation, is to require the people to again redeem them, and it is respectfully

submitted, whether it would not be the better course to resort to such temporary loans as might be found expedient and practicable.

The State Agent has not been able to submit the report of his operations ; but I am authorized by him to say that the situation of the suspended debt on account of bonds sold by the State remains nearly as stated in his report of last year. Much of this debt is hopeless ; and even as it respects that portion of it which may be regarded as capable of collection, but little can be realized from it at present. The Agent states that he has succeeded in obtaining \$30,000, which, under a law of last session he is required to pay to certain contractors on the public works, whose claims against the State remain unsatisfied.

In my annual message to the legislature in December, 1841, I gave a detailed statement of the extent and condition of the public debt. Its amount was then stated to be \$15,088,000. Since then, no part of the interest upon this sum has been paid, except upon that portion of it borrowed for the establishment of the State Bank. In the meantime, however, a portion of this debt has been liquidated. The stockholders of the Lawrenceburgh and Indianapolis Railroad Company have returned bonds in lieu of the bonds issued by the State to the Company—the State Agent has taken up some of the outstanding bonds in the adjustment of portions of the suspended debt—a part of the Treasury Notes in circulation, have been redeemed in the collection of the revenue—so that the State debt remains not far different from what it was in 1841.

During the present year I have received two communications from foreign holders of our bonds ; one from the city of London—the other from Geneva, which are herewith laid before the General Assembly.

In my previous messages I strongly pressed upon the legislature the condition of the public debt, and the adoption of such measures as might, as far as our circumstances would permit, enable us to do what is just and right with regard to it. It will require no exertion to fold our arms, and say that our liabilities are beyond our means, and therefore we will not even make an effort to pay. There may be some amongst us, who would be well satisfied, if those entrusted with public affairs would avoid all allusion to this subject. I cannot believe that Indiana will openly repudiate her debts ; but the same result can be as readily brought about by doing nothing, and will as certainly, though not as speedily, secure for us all the reproach and disgrace consequent upon the direct act. I know we cannot now pay the interest on our public debt. All I urge is that we should acknowledge the obligations resting upon us, and shape our measures so as to apply all the available means, which industry, economy, and careful management may hereafter furnish us, to the discharge of those obligations. So far as our prosperity is identified with the confidence reposed in our citizens—so far as our public men may promote our interests in the councils of the nation and otherwise, it is essential that the character of the State should be preserved ; for if it be destroyed, we will find that confidence will be withheld, that all our influence will be lost.

A company has been recently organized under the act of 1842, providing for letting the public works to companies, with a view to the completion of the Cross-Cut Canal terminating at Terre-Haute, under very favorable circumstances. I am not able to speak with accuracy of the operations of the White-Water Valley Canal, and the Madison and Indianapolis Railroad companies. It is understood, however, that the respective works have been prosecuted with a zeal and determination which promise fair for their completion.

The continuation of the Wabash and Erie Canal under the supervision of James Blair, Esq., the present commissioner, has been prosecuted with as much rapidity as the means appropriated to the work would permit; and it is now pretty certain that it will be finished to Terre-Haute fully as soon as was at first anticipated. The report of the commissioner is herewith laid before the Legislature, and exhibits the extent of his operations and expenditures.

The State of Indiana was authorized by an act of Congress to select lands equal to the quantity covered by Indian reservations on the lands selected on account of the Wabash and Erie canal east of Tippecanoe river. This duty was performed during the past summer by Messrs. Sigler and Murray, who were appointed for that purpose. It was found that of the lands selected for the canal west of Tippecanoe, a considerable quantity was taken from the State by preemption claims. It was also signified to the Executive that the original selections for the Wabash and Erie canal were made on the assumption that the canal followed a straight line; whereas by taking the actual length of the canal as located, for the basis of the selections, the State would be entitled to an additional quantity of land. The above named agents in obedience to instructions, selected lands in lieu of those covered by preemption rights, and at the same time additional lands to supply the deficiency arising from the alleged error in taking a direct line as the foundation of the previous selections. This latter claim has been submitted to the action of the appropriate department at Washington City, and will probably be determined during the present winter.

It may be proper to mention, that by the act of 1842, authorizing the continuation of the public works by companies, provision was made for disposing of all or any part of said works to individuals or companies, for the bonds which had been issued by the State. It was also required that publication of the object of said act should be made for thirty days in the Journal of Commerce, published in the city of New York, which requisition was immediately complied with by the Executive. The hope was entertained by some, that as the bonds were greatly depreciated, and the State had agreed to receive them at their face, that no inconsiderable portion of the public debt would in this way be liquidated. But there have been as yet no propositions submitted for the return of our bonds in this mode, and we cannot reasonably expect any relief from this provision of the above named act.

The State Bank of Indiana still maintains her credit, and with the



improvement of the times will be able to resume her usefulness. The question no longer admits of a doubt that this institution, under the same prudent management which has sustained it thus far, will survive the difficulties and embarrassments which have involved so many similar institutions in ruin.

The following table exhibits the general condition of the affairs of the bank, as shown on the 31st of last October.

#### MEANS.

Discounted notes and Bills of Exchange,	\$2,640,695 25
Balances due from, and notes of other Banks,	427,437 74
Balances between, and notes of other Branches,	159,516 48
Specie,	969,306 84
Other sources,	925,196 11
	<hr/>
	\$5,122,142 42
	<hr/>

#### LIABILITIES.

Notes in circulation,	\$2,115,225 50
Notes in other Branches,	120,540 00
Individual deposits,	200,248 93
Balances due other Banks,	38,632 83
Balances between Branches,	43,248 44
School fund tax,	14,228 64
Suspended interest and other items,	29,367 50
	<hr/>
	\$2,561,501 84
Remainder, being am't of State and individual stock, and profits thereon,	2,560,640 58
	<hr/>
	\$ 5,122,142 42
	<hr/>

By this exhibit the following changes have taken place in the amounts of her circulation and specie, since the statement presented in my last annual message :

Nett circulation on October 31, 1843,	\$2,115,225
Nett circulation on October 31, 1842,	1,732,518
	<hr/>
Increase of circulation in the last twelve months,	\$382,707
Specie on October 31, 1843,	\$969,306 84
Specie on October 31, 1842,	799,047 96
	<hr/>
Increase of specie in the last twelve months,	\$170,258 88
	<hr/>

The exhibit of means as above, are,	\$5,122,142 42
AM her liabilities, other than to the stock-holders, are,	2,561,501 82
	<hr/>
The remaining stock of the State, is,	\$880,000 00
Saline and Bank tax stock,	5,716 27
Individual and county stock,	1,262,455 98
	<hr/>
	\$2,138,172 25
Leaving an excess of profits, for meeting losses, and for dividends,	<u>\$423,329 58</u>

The new State prison, commenced in 1841, is progressing rapidly towards completion; and if the policy of the last two years should be continued the cause for reproach so long and justly resting on this part of our criminal jurisprudence will be removed. The report of the visitor of the State prison, now laid before you, shows the condition of the present prison, and the number and management of the prisoners, and is satisfactory as to the government of that institution, taking into consideration the obstacles in the way of enforcing the proper discipline.

At the last session of the legislature an act was passed directing the Governor to collect information respecting a lunatic asylum, and to lay the same before the legislature at its present session. This duty has been attended to, and the documents and information which have been collected are in the possession of I. P. Smith, Esq., who is preparing plans and specifications in relation to an asylum which will be ready to be laid before the legislature in the course of a few days.

In my last annual message I made an earnest appeal to the legislature on the subject of common schools, and more particularly in relation to the condition of the funds set apart for the purposes of education. Although the facts drawn out by an irregular investigation were imperfect as to the details, still enough was elicited to satisfy every one that our school funds were not producing the fruits which we had a right to expect, but were in danger in many cases of being irretrievably lost. Efforts were then made by appropriate enactments to secure a strict accountability on the part of the officers entrusted with those funds; and there can be little doubt, that if those enactments should be faithfully adhered to, and carried out, that the various education funds will be rendered much more secure and productive, and the facilities of ascertaining information respecting them will be such that the legislature can, at any time, be fully advised of their amount, condition, and productiveness, and be prepared at all times to legislate on the subject of education. It may be that the strict provisions, which have been recently adopted, by their tendency to develope defalcations, have excited opposition on the part of those who are not prepared to encounter a rigid investigation; still it is confidently trusted that the legislature will never lose sight of the importance of

strictly guarding this sacred fund, and providing suitably for its application to the objects for which it is intended.

The cause of education in the higher institutions of learning, from the information I have been able to acquire, has at no time in this State, appeared to be more flourishing than at the present. - It is a source of much gratification to witness their success and prosperity ; for those trained in these schools are to exercise a most important influence on the destinies of our State.

The propriety of making some provision for the education of the deaf and dumb has been frequently urged on the consideration of preceding legislatures. At the last session an act was passed authorizing the collection of a tax of two mills on the hundred dollars of taxable property to be applied to this object. During the present year Mr. and Mrs. Willard, themselves mutes, and recommended as highly competent teachers, have opened an institution in Indianapolis for the instruction of the deaf and dumb. They have now thirteen pupils under their care. They have had a number of applications on behalf of others, whose parents are unable to support them at the institution. Mr. and Mrs. Willard are at present teaching without any compensation, for the purpose of showing what may be accomplished in the instruction of those who are denied hearing and speech. Frequent opportunities will be presented to the members of the legislature of witnessing the course adopted and the progress made in the instruction of these pupils ; and it is presumed that these exhibitions will plead more eloquently for the unfortunate mute than any thing which I can urge upon your attention. I cannot, however, let this occasion pass without asking on their behalf that the legislature will make suitable provision for this institution, and for affording the means of instruction to all who may be presented, whether they may or may not be able to pay for that instruction.

It is well known that there has been no general organization of the militia of this State for a number of years. This has been brought about, not so much by any defect in the laws as by a general abandonment by common consent of the entire military system. The last returns possessed by the Adjutant General were made in the year 1832. Upon these returns we have been ever since drawing our share of the public arms, although the increase of the militia of this State would no doubt entitle us to nearly double the amount which is received under the present arrangement. To remedy this difficulty, the Adjutant General by an act, approved ———, 1843, was required to forward to the proper department at Washington, the number of taxable polls in the year 1842, as evidence of the effective Militia of Indiana. The Adjutant General has performed this duty, and has received a reply, stating that the list furnished is not such a return as will justify the distribution of a greater quantity of arms than has been made since the returns of 1832. It is well worth the attention of the legislature to adopt measures which will prevent the State from being deprived of her just share of the public arms distributed by the General Government to the several States.

The Revised Statutes enacted at the last session of the General Assembly, will soon be ready for delivery. It was expected that the printing would have been completed before this time ; but a considerable amount of public printing had to be done before the Statutes could be commenced, and it was soon discovered that if they were carried through the press with the rapidity which would ensure their delivery at an early day, innumerable mistakes and errors would occur, which would greatly detract from the value of the work. Hence it was concluded that the increased accuracy which would be secured by the delay of a few weeks would more than counterbalance any inconvenience which might be experienced in consequence of such delay.

The last five years constitute an eventful period in the history of our State. The trade and business of the whole country have been interrupted, credit has been destroyed, and a great number of the most active and enterprising of our citizens have sunk beneath the pressure of the times. The system of state improvements, from which so much was anticipated, has failed, involving the State in a debt beyond her immediate resources. At present, however, we have assurances of reviving hope and confidence, which indicate clearly that the worst is past. There is an evident upward tendency in prices, and a briskness of demand for our surplus productions, from which we may augur the return of a prosperous business. In looking, however, to the future, we must not forget the past. Excesses have been committed. Efforts to grow rich by new and untried schemes and projects were too common, and have been followed by the inevitable consequences of wild and reckless speculation. All that we value—all that tends to our prosperity and enjoyment, is the creation of industry. Nature may be lavish of her bounties—we may have a fruitful soil and genial seasons, yet they are of no benefit to us, unless they have been compelled to contribute to our comfort and happiness by the expenditure of labor. The wealth of a country is increased in proportion to its industry and economy. Capital may be enlarged, nominally, without adding to our real wealth ; or may be employed in pursuits which promise much, and which may occasionally add to the fortunes of single individuals, but not resting on the basis of productive employment, invariably yield in the end a distressful harvest of ruined hopes and prospects to the great body of the community.

And first among those pursuits on which the citizens of our State are to rely for substantial wealth, we must reckon the cultivation of the soil. Steady markets, uniform prices, and a sound currency are essential, however, at all times to agricultural prosperity. To obtain these we must mainly depend upon our own government. If we would have valuable markets, we must create them ; if we would secure prices which will return a fair profit, and protect us from the evils of a fluctuating trade and commerce, we must have a steady demand, the limits of which can at all times be estimated. We must give protection to our own industry. By protection, I mean the adoption of that policy which will encourage and sustain those branches of business by which our productions will be consumed, furnishing a

suitable return to the producer. Have we a foreign market for our surplus on which we can at all times rely? The restrictions of foreign nations are intended to bear heavily on many of our most valuable agricultural products. The question of protection is sometimes stated as if it were in the nature of a privilege to one class at the expense of another. It does not follow that this is the case because our farm productions cannot be affected in the home market by foreign competition. If the direct protection of other interests results in the establishment of a home market, it is as directly beneficial to the agriculturist as if it sprang from legislative provisions directed solely to his interests. Exclusive advantages not benefiting others are not to be tolerated; but we must not forget to distinguish that protection which necessarily includes partial evils as the effect of a compromise to secure a greater average amount of good, from those enactments which do not secure any such desirable results and do not exclude still greater evils. Our true policy, in view of the restrictions of other nations, is to render ourselves independent of the pauper labor and workshops of Europe.

There is another matter intimately connected with our prosperity. I allude to the currency. A purely hard currency, as a political question, may be made instrumental in propitiating prejudices which exist to some extent in every community; but when we look at the diversified relations of the whole country—the distant points which are connected in trade and commerce—and the inconvenience and certain loss to which we are subjected by an unequal currency, or a currency almost as difficult of transmission considering all risks as our own articles of trade, the necessity of a circulating medium, by which we shall be enabled to secure exchanges at fair and reasonable rates, in connection with a currency which shall be at par in all parts of the Union, and readily convertible into gold and silver, is obvious. The business of this country never was more healthy, credit never more sound than when our main reliance was on such a currency, and we must believe that a return to it will produce similar results.

To day closes my connection with the government of the State of Indiana. The situation which I have occupied has been one not only of responsibility, but of difficulty. It has been my endeavor to perform the various duties which devolved upon me in such a manner as to redound to the benefit of the State. In my recommendations to the legislature, I have zealously urged the promotion of the great interests of education—the cherishing of those institutions which are regarded as essential to civilized life—the just relief of the people so far as it could be secured by proper legislation—a careful and frugal economy—a strict accountability of all public officers, with a view to avoid all wasteful expenditure of the public moneys—and a rigid investigation of the accounts and proceedings of those connected with our public works; and again and again have I urged the absolute necessity of refraining from all measures which might tarnish the reputation of our State in reference to our public debt—I have endeavored in all my duties to avoid the prostitution of my office to mere partisan purposes; for I care

not what a man's capacity or qualifications, for the office which he holds may be, he can never be in the legitimate exercise of his duties when he forgets that such office is held for the benefit of the people, not to aid a mere party—and when the latter course is taken the public interests are sure to suffer. I may have erred ; such is the lot of human nature. Instances may have occurred in which I have been subjected to censure. As to these, I have only to say that acting from the lights before me, I supposed I was doing right. I could not always see what others were able to discover after the act was performed, and by which they were enabled to form a different, and in all probability, a more correct opinion, and thus censure has been bestowed on me for not discerning what was, at the time, beyond the reach of my vision. I retire to a private station in society without personal regret at the decision which places me there ; carrying with me the consciousness of having endeavored to do my duty. I shall always feel a deep interest in the welfare and prosperity of the State of Indiana, and no one will more regret than myself anything which may fasten a lasting stain upon her character. That your deliberations may be characterized by wisdom and moderation, and promote the common welfare, add to the happiness of the people, secure their prosperity, and tend to the perpetuation of our beloved institutions, is my sincere prayer, at the close of my official duties.

EXECUTIVE CHAMBER, }  
December 5th, 1843. }

SAMUEL BIGGER.

Upon the conclusion of which, the Senate returned to their chamber.

And, on motion, adjourned.

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### WEDNESDAY MORNING, DEC. 6th, 1843.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

MR. PRESIDENT :

I am instructed by the House of Representatives to return to the Senate, the resolution of the Senate, appointing Saturday next at 10 o'clock A. M., to go into the election of Treasurer and Auditor of State, and to fill the vacancies occasioned by the expiration of the



term of service of the present incumbents, as requested by the Senate.

Also the following :

The House has reciprocated the resolution of the Senate adopting the rules and joint rules of the last session for the government of the two Houses of the present General Assembly.

Mr. Todd moved to reconsider the resolution ;

Which motion failed.

Mr. Herriman offered the following resolution, which was adopted :

*Resolved*, That a committee of two be appointed on the part of the Senate to act with a similar committee on the part of the House, to wait on his Excellency James Whitcomb, and the Hon. Jesse D. Bright, and inform them of their election, the first to the office of Governor, and the second to the office of Lieutenant Governor of the State of Indiana, and to ascertain from them, at what time it will be their pleasure to take the official oath required by the constitution and laws of the State.

The following message was received from the House of Representatives by their Principal Clerk, Mr. English :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House has adopted the following resolution :

*Resolved*, That the Senate be informed that the House is now ready to open and publish the returns of the votes for Governor and Lieutenant Governor of the State of Indiana, at the late election, in the presence of both Houses of the General Assembly ; and that the Senate is invited to attend in the hall of the House of Representatives for that purpose, and that seats be provided for them on the right of the Speaker's chair ;

Which, on motion of Mr. Herriman, was reciprocated, and Messrs. Herriman and Mitchell appointed the committee on the part of the Senate.

Whereupon, the Senate repaired to the hall of the House of Representatives to witness the opening and publishing of the returns of votes for Governor and Lieutenant Governor, in presence of both Houses of the General Assembly ; upon the completion of which, it appeared,

James Whitcomb	received for the office of Governor	60,787	votes
Samuel Bigger	"	"	" 57,718 "
Elizur Deming	"	"	" 1,630 "
Jesse D. Bright	"	"	" Lieut. Governor 60,982 "
John H. Bradley	"	"	" 56,681 "
Stephen Harding	"	"	" 1,68 "

James Whitcomb having received a plurality of votes for Governor, and Jesse D. Bright for Lieutenant Governor of the State of Indiana,

The President *pro tem.* of the Senate, in convention, proclaimed the said James Whitcomb to be duly elected Governor, and the said Jesse D. Bright, Lieutenant Governor, for and during the term of three years from and after this day, and until their successors shall be elected and qualified.

And the Senate returned to their chamber.

On motion of Mr. Carr of Jackson,

*Resolved*, That one thousand copies of the Governor's message be printed for the use of the Senate.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution :

*Resolved*, That a committee of two be appointed on the part of this House to act with a similar committee on the part of the Senate, to wait on his Excellency James Whitcomb and the Hon. Jesse D. Bright, and inform them of their election, the first to the office of Governor, and the second to the office of Lieutenant Governor of the State of Indiana, and to ascertain of them at what time it will be their pleasure to take the oath of office.

Messrs. Simonson and Moore are appointed the committee on the part of the House.

A reciprocal resolution having been adopted by the Senate,

Messrs. Herriman and Mitchell were appointed the committee on the part of the Senate.

Mr. Burke moved a reconsideration of the indefinite postponement of Mr. Chapman's resolution, in relation to the "Indiana Daily State Sentinel" and the "Indiana Daily Journal ;"

Which motion prevailed.

The question then recurring on the indefinite postponement,

The ayes and noes were demanded by Messrs. Morgan and Sands.

Pending the question, by the unanimous consent of the Senate, Mr. Herriman made the following report :

MR. PRESIDENT :

The joint committee who were directed to wait upon His Excellency James Whitcomb, and the Hon. Jesse D. Bright, and inform them of their election, the first as Governor, and the second as Lieutenant Governor of the State of Indiana, and ascertain at what time it would be their pleasure to take the oath of office, have performed that duty and received for answer, that they will attend in the hall of the House of Representatives at half past 2 o'clock P. M., on this day.

On motion of Mr. Ritchey,

The Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution :

*Resolved*, That the Senate be invited to attend in the hall of the House of Representatives instantler, to witness the oath of office administered to His Excellency James Whitcomb as Governor, and the Hon. Jesse D. Bright, as Lieut. Governor of the State of Indiana; and that seats be provided for them on the right of the Speaker's chair;

Which resolution, upon motion of Mr. Sands, was reciprocated by the Senate.

Whereupon, the Senate repaired to the hall of the House of Representatives, where, in presence of both Houses, the oaths to support the constitution of the United States and the constitution of the State of Indiana, and the oath of office was administered to the Governor and Lieutenant Governor by the Honorable Isaac Blackford, one of the Judges of the Supreme Court of Indiana.

After which, the Governor delivered the following

## ADDRESS.

FELLOW CITIZENS:

In conforming on the present occasion with a usage sanctioned by revered examples in the history of our country, of attempting the expression of my thanks for the distinguished proof of confidence with which I have been honored, language is too feeble to convey the emotions of my heart.

But if words are powerless for this object, where shall I find terms adequately expressive of my sense of the honor conferred, and of the weighty responsibility imposed, heightened as they are by the unexampled embarrassment and difficulties, in which the affairs of our beloved State are at present involved?

Conscious that the duties of the station assigned to me are far above my talents, I should wholly despair of their successful accomplishment, did I not feel, that, next to the protecting care of Providence, I can best repose in the wisdom, patriotism, and zeal of the other public functionaries provided by the Constitution and the laws, here and throughout the State, for an efficient aid and guidance, in our joint efforts for the common welfare.

Not having yet entered upon the functions confided to me—without access to the fiscal, or other archives of the State—and the regular message, enjoined by the Constitution, having already been submitted to the present Legislature by my predecessor, it is, at this time, beyond my power satisfactorily to exhibit, as indeed it would be regarded inappropriate now to submit, specific recommendations for co-ordinate action.

As the powers delegated to the Executive, however, are calculated to affect interests of vital importance to the whole people, I may be permitted, before entering upon their exercise, to give a brief view of some general principles, which in my judgment, lie at the foundation of our prosperity, and should regulate the administration of our public affairs.

Our State, in common with the rest of the Union, and especially of the western portion of it, is experiencing the distress and embarrassment consequent upon a system of over-banking, and its natural progeny, over-trading and deceptive speculation. The wealth of a community, consisting essentially in property, of which the currency is but the representative, it is evident, that an undue increase of the latter by means of a paper circulation, while it enhances the nominal price of the former, does not really increase its substantial value.—The tendency of this state of things, is to relax the hand of industry by creating false notions of wealth, and to tempt to sudden acquisitions, by means as delusive in their results, as they are contrary to a primary law of the Author of our being.

Thus, the real wealth of a community is in fact diminished in proportion to the fictitious wealth occasioned by every undue increase of an artificial currency. These extremes, by their reciprocal action, continue to diverge, until the violated laws of production, currency, and trade, are vindicated by a re-action, ending in extensive ruin and distress.

The remedy proposed by some in such emergencies, is an increase of bank paper, one, at least, of the original causes of the evil. But, it is evident, that this could but temporarily alleviate the disease, and would itself be the potent cause of its speedy return, in a shape still more aggravated and frightful. A few may have derived advantage from such a condition of affairs, by withdrawing themselves from the vortex of speculation at a fortunate moment. But the gains of even such, are as surely the losses of others; and we now have melancholy proof, notwithstanding the contrary assurances of its friends, that such a system cannot but prove disastrous to the community as a whole. But disappointment is not the only evil consequence of a failure of deceptive plans of relief. They serve, by encouraging false hopes, to withdraw attention from what is really feasible. They tend to relax individual exertion. Nor are the consequences referred to, the worst evils found in the train of false credit, and reckless speculation. They are followed by violated faith, want of confidence, immorality, and crime. As lovers of good order, and as patriots, jealous of our good name at home and abroad, we should unitedly task

our best energies for a remedy for the past, and a preventive for the future. Notwithstanding the late signal failure to secure a promised return of prosperity, and while other projects as specious as they are unsound, are, and doubtless will continue to be plausibly, and even earnestly recommended, there remains a remedy,—plain, obvious, reliable, and within the reach of all.

Our consumption having exceeded our income, the balance must be restored by a corresponding excess of our receipts over our expenses. We have been lured to the embrace of debt under the flattering guise of credit, and we can only be extricated by the joint aid of industry and economy. We should again seek the ancient land marks of frugality and republican simplicity from which too many have unwittingly strayed.

Labor is the prime source of wealth in a State. No community can prosper without it. Commerce and trade, the business of which is only to exchange the products of the industry of one place for those of another, highly advantageous as they are to a community, cannot exist without the life-sustaining breath of labor. All callings, therefore, governed by a provident forecast, and a wise estimate of their truest interests, owe to it their countenance and respect.

It is gratifying to see from recent indications, that these opinions are gaining ground in unexpected quarters. This should serve as an encouragement to the advocates of Truth under adverse circumstances, proving, as it does, that sooner or later, her rights will be vindicated, and her supremacy acknowledged.

Our position, soil, and climate, as well as the habits of our people, all point to that branch of labor which is devoted to agriculture, as our chief reliance for lasting wealth, and returning prosperity. This calling should rank with us, the first in respectability, as it unquestionably is the first in importance. The principal, and indeed almost the only assistance, which can be rendered to this vital interest, the removal of indirect impositions, the more dangerous and oppressive, because unseen and stealthy in their operation, is beyond the reach of State legislation. Still, something could perhaps be done by encouraging individual effort for improvement in the various branches of husbandry, and by providing for the procurement and diffusion of recent and useful intelligence upon this subject throughout the entire community. The improvements already made in this department of industry, by the unaided enterprise of some of our citizens, highly gratifying as they are, it is hoped are but an earnest of what may yet be done, when the hand of labor is unshackled and when individual emulation is excited by suitable examples.

It is to be regretted that a growing distaste exists in too many quarters against this nursery of virtue—this surest guarantee of comfort and independence—this sheet anchor of our common prosperity, as exhibited in the increasing numbers of our youth who are crowding the other professions to seek a livelihood on the accidents of human life.

The failure of the State to meet its indebtedness, has proceeded not from any want of an inclination to preserve the public faith—not from

the absence of a strong desire to satisfy all just claims against it, but from what is obvious on the slightest reflection, an absolute inability, a want of physical means to accomplish the object. As an earnest of our intentions in this respect, our citizens have steadily borne, for several years past, and during a period of great depression, the imposition of heavy taxes not only to meet the ordinary expenses of the State, but for the gradual absorption of our large domestic debt existing mostly in the shape of current treasury notes. These taxes are already as onerous as can well be sustained, and a further addition would tend to defeat its own object by paralyzing industry, and discouraging immigration. The payment of the interest alone on the state debt therefore it is conceded on all hands, is beyond our power to accomplish by direct taxation.

Plans professing to look beyond our own limits and resources for relief, have been proposed, which, aside from their questionable constitutionality, an examination into all their bearings and consequences, will demonstrate to be as delusive in the end, as they are specious in appearance. The slightest reflection will satisfy any intelligent mind that no relief can be expected from other quarters, without a full equivalent direct or indirect in return. It is susceptible of proof, that the original debt, so far from being lessened in the operation, would at last be paid by the State (if that indeed were practicable) with heavy additions.

It will be remembered, that among the causes which have led to my elevation to the office of Chief Magistrate of Indiana, assurances on my part of relief through my instrumentality, have not found a place, and it would be unjust to excite in the mind of the public creditor, or of the citizen, any false or delusive hope. Next to the discharge of our obligations, our duty should be to give a frank and explicit statement of our actual condition. It is my anxious wish, as I doubt not it is the ardent desire of every citizen who regards the character of his country, to use every practicable exertion to meet all just demands against it, and I still cherish the hope, that with slowly returning prosperity, an arrangement may yet be made touching all claims that are just and equitable, and comporting with the honor and dignity of the State. I shall be ready to co-operate with the legislature of the State in whatever may be found practicable for the attainment of this desirable object.

For reasons already advanced, I defer to a fitter occasion, the expression of my views more fully on this momentous subject, matured as I trust they may be, by a careful examination of it, after my official position shall have given me ample access to the records of the several departments of the government, and made it my constitutional duty to bestow an undivided and faithful attention to every subject that shall come within the range of executive action.

It may be added, that should our hopes of relief be postponed, and all plans for our extrication fail of the effect which every lover of his country so ardently desires, yet those, whose official position has not enabled them to recommend any scheme of relief whatever, calling

for the action of our State Councils, and whose administration of our financial affairs has not, to some extent at least, been crowned with the desired success, those, I repeat, will best know how to rebuke an illiberal spirit of criticism.

It would be useless now to go into an examination of the mismanagement of some of our public agents in the negotiation of loans by which nearly four millions of our bonds were disposed of without first requiring their full value in hand as enjoined by law.

Had this sum been faithfully received, and judiciously applied towards the construction of some of the more important of our public works, the profits thence arising would have sensibly relieved our burdens.

But while this state of things is reluctantly acknowledged and deplored, it should at least serve to remind us of a remaining duty, yet clearly within our power; the observance of a rigid and systematic economy in every department of the state government. We should in this respect, imitate the same frugality which stern necessity has imposed upon the great mass of our suffering fellow citizens.

The true principles of economy in the administration of public affairs, are essentially the same as those which obtain in individual transactions. No expenditure should be incurred for official services, or otherwise unless found necessary, or useful, and then at the lowest amount compatible with full and intrinsic value and ample ability of performance. Tested by this rule all unnecessary offices, if any are found to exist, should be abolished. The public service should in all cases not prohibited by the constitution, be confided to as few hands as may consist with its prompt and efficient performance, and public officers should be held to the strictest accountability.

Excessive legislation is an evil. The increased burdens thereby imposed upon the treasury, is but one of the evils growing out of it. The laws by frequent changes become complex, vague, and uncertain. This unfits them in a great measure, from being a known and safe rule of action in a community.

It is of the greatest importance to the welfare of the people, that the laws should be generally known, and well understood. For this purpose they should be maturely considered in their inception, and be fully tested by time and experience. This would tend greatly to insure harmony and certainty in their execution, and check a fruitful source of litigation, which tends to foment evil passions, to excite social discord, and operates as a heavy tax on the community. So strongly impressed have many been with these evil consequences, that the constitutions of several of our sister states provide for but one session of the legislature in every two years, unless in cases of unforeseen emergency. No small number of our own citizens have regretted that a similar provision is not found in the constitution of this State. Without discussing the correctness of this opinion, which would be as useless as it is inappropriate, it may be remarked that the evils alleged against annual sessions by its opponents, might, in a great measure, be avoided by limiting the sessions to the shortest pe-

riod actually necessary for the discharge of the public business. This remark, however is not intended to prevent a thorough scrutiny into the conduct of public servants, required alike as an act of justice to them, as well as to the people.

I cannot, on this occasion, suffer the subject of education to pass without some notice. It is a fruitful theme, and has not failed to occupy a very large space, often, however, too much upon paper. It is to be acknowledged too, that much has been done, as well as said and written upon this subject; but an immense field yet remains, with but here and there a solitary laborer. I should be most happy, if by an appeal to the country, I could arouse it to a just sense of the magnitude and importance of the subject, and excite it to a corresponding action. Encouraging advances have already been made in preparing and maturing our system, and he who would propose to revolutionize it, would propose a measure of very doubtful utility. The action in favor of education, to be effectual and lasting, must be a combined action of the legislature and of public sentiment. The wiser course would seem to be to add to our present system, where it is deficient, improve it where it needs correction, and by a comprehensive view of our wants, our habits, our means, and our condition, to give it a more perfect adaptation.

A mind highly enlightened by knowledge, and allied to a heart imbued with the moral virtues, would, to a great extent, be unavailing to its possessor, unless accompanied with a republican self-respect, a confidence in its own powers, and a spirit of self-reliance for thought and action. Every person gifted with the right of suffrage should cherish a deep felt consciousness of the *duty* imposed upon him by the spirit of our free institutions, to examine, sift, and weigh the leading questions of public policy, the measures proposed for the common welfare, the fitness and qualifications of those aspiring to public trusts, and the conduct of those entrusted with the management of our public affairs.

Nor can I omit the expression at this time of the necessity, on the one hand, of guarding and securing by every practicable and constitutional means the right of free suffrage, and on the other, of shielding this inestimable privilege against all undue encroachment, whether exhibited in the shape of fraud, illegal voting, or lawless violence. Vain, indeed, is the establishment of our free governments, if such abuses are suffered to exist. The ballot box would, in that case, cease to reflect the will of the majority, which is the essential principle of a republican government. The forms, indeed, of our free institutions might continue to exist, but they would be destitute of all force and vitality.

Having just pledged myself to the support of the Constitution of Indiana, and the Constitution of the United States, by the most solemn of sanctions, in the presence of this assemblage of the public functionaries and of my fellow-citizens, it only remains that I should announce my intention of being governed in the discharge of my duties by confining myself strictly within the scope of the powers delegated, by re-



garding the affairs and interests of Indiana as the first object of my care and solicitude, and of zealously devoting my best energies to the common welfare. And I beg leave to renew the expression of my hope, that in this new and untried situation, I may receive from the co-ordinate authorities and from my fellow citizens generally, that indulgence and support, of the need of which, I am deeply conscious. But above all, I implore the guidance and protecting care of Almighty God, in whose hands are the destinies of nations, whose blessings have been so largely dispensed to us individually and collectively, and to whom we owe lasting gratitude for the past, and our fervent prayers for the future.

JAMES WHITCOMB.

Upon the conclusion of which, the Senate returned to their chamber.

The President *pro tem.* conducted the Lieutenant Governor to the President's chair, who addressed the Senate as follows :

In entering upon the duties of the office that, by the voice of the majority of the freemen of Indiana, I have been appointed to perform, I avail myself of this, the only occasion that may present itself, of expressing to you, and through you, I trust, to those you represent, my thanks and very grateful acknowledgments for this mark of their confidence and regard. And the only recompense I can make, or offer them in return, is the faithful and impartial discharge of my duties, (in the language of the oath I have just taken) according to the best of my judgment and ability.

My connexion with this branch of the legislature for the two past years, has familiarized me, somewhat, with the duties of the responsible position I am about to assume. It has also given me an opportunity of becoming personally acquainted with a large majority of you, which serves, in no small degree, to remove the embarrassment I should otherwise feel.

I approach this stand with diffidence, well knowing that I have much to learn. Trusting, however, that as our official intercourse progresses, practical experience will lighten up the pathway of duty—that we will know more and more of one another—more and more of the Constitution and Laws, the legal landmarks to guide us—and finally, that our united efforts will redound to the advantage of a deserving constituency and reflect credit upon ourselves. It would doubtless be considered a departure from precedents and a trespass upon the appropriate functions of another officer of State, were I to enter upon the examination of questions, either State or National, in their character. But I must be permitted here to remark, that I attribute my success in the late contest, to the advocacy of a class of measures, I then and yet conceive, deeply interests my country; and should those questions, or any one of them, come before this body in such a shape as to give me a voice in their settlement, I here again renew my pledge to the country, to carry out the doctrines I publicly advocated. We have met here, the servants of the people, to

do their will. The condition of our State finances, admonishes us, that whatsoever we do, should be done quickly. Let us each and every one, then pass the enquiry around, what shall we do to raise down-trodden Indiana from her present fallen, prostrate, and ruined condition. The plan devised, let us go to work in *good faith towards those we represent*, regardless of party feuds and party feelings; do all in our power in the shortest possible time, and return every man home. This done, we will deserve, as no doubt we will receive from an approving constituency, the welcome plaudit of "well done thou good and faithful servant." It shall be my constant aim to so administer the duties of the Chair, as to secure to each and every member upon this floor, those rights and privileges guarantied by the Constitution and laws to the Representatives of a free people. All of us concur in the necessity that requires the adoption of a set of rules and regulations for the government of every deliberative assembly; and when adopted, how important for the harmony and usefulness of such assemblies that each member at all times and on all occasions ought strictly to adhere to those rules.

That good order and decorum will characterize all our deliberations I will not permit myself to doubt, and that you will individually and collectively extend to me that aid and counsel so necessary to the prompt and faithful discharge of my duties I shall confidently hope. Infallibility is not the attribute of man; that I may frequently err is to be expected. 'Tis said, to err is human, to forgive is divine. Trusting that all our deliberations will work together for the good of our common country, and that we will part as we now meet, friends, I invoke upon us all the aid of him who holds the destinies of every nation, kindred and tongue in his own hands.

And on motion,  
The Senate adjourned.

#### THURSDAY MORNING, DEC. 7th, 1843.

The Senate assembled.

The President made the following announcement to the Senate:

The following is the order of business to be observed by the Senate during the present session, unless changed by the Senate:

- I. The reading of the Journal.
- II. Petitions, memorials and remonstrances.
- III. Reports from standing committees, as follows, to-wit:
  - 1st. On Elections.

- 2d. On Finance.
- 3d. On the Judiciary.
- 4th. On Federal Relations.
- 5th. On Education.
- 6th. On Military Affairs.
- 7th. On Roads.
- 8th. On Canals and Internal Improvements.
- 9th. On the Affairs of the town of Indianapolis.
- 10th. On Claims.
- 11th. On the State Prison.
- 12th. On the State Library.
- 13th. On Public Buildings.
- 14th. On the State Bank.
- 15th. On the Canal Fund.
- 16th. On Agriculture.
- 17th. On Corporations.
- 18th. On unfinished business.
- IV. Reports from Select Committees.
- V. Resolutions of the Senate.
- VI. Joint Resolutions.
- VII. Bills.
- VIII. Orders of the day.

The committees on Enrolled and Engrossed Bills and Joint Committees are not restricted by the preceding rules, but may report at any time.

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The President announced to the Senate the following standing committees:

#### ON ELECTIONS.

Messrs. Chapman, Alexander, Berry, Cotton, Davis of Daviess, Martin, Farmer, Kennedy, Shanks and Defrees.

#### ON FINANCE.

Messrs. Read, Akin, Bradley, Buel of Dearborn, Collett, Hoover, Leviston, Walpole and Wilber.

#### ON THE JUDICIARY.

Messrs. Walpole, Chapman, Cornett, Davis of Floyd, Defrees, Orth and Pitcher.

## ON FEDERAL RELATIONS.

Messrs. Ewing, Buel of Dearborn, Buell of Warren, Berry, Burke, Carr of Jackson, Reeve, Ritchey and Wood.

## ON EDUCATION.

Messrs. Cornett, Carr of Lawrence, Duzan, Ewing, Hutton, Kennedy, Pennington, Ritchey, Shanks, Stanford and Todd.

## ON MILITARY AFFAIRS.

Messrs. Tannehill, Bradley, Henry, Jones, Major, Mitchell, Moore, Reyburn and Sands.

## ON ROADS.

Messrs. Herriman, Alexander, Burke, Cotton, Dobson, Henry, Hodge, Morgan and Wood.

## ON THE AFFAIRS OF THE TOWN OF INDIANAPOLIS.

Messrs. Davis of Daviess and Martin, Duzan, Kennedy, Stanford and Todd.

## ON CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Ritchey, Berry, Carr of Lawrence, Collett, Defrees, Dobson, Henry, Hodge, Hoover, Jones, Leviston, Mitchell, Moore, Orth, Pennington, Pitcher, Shanks, Sinclair, Tannehill and Wilber.

## ON CLAIMS.

Messrs. Dobson, Buel of Warren, Burke, Davis of Daviess and Martin, Duzan, Hutton, Jones, Sands and Stanford.

## ON THE STATE PRISON.

Messrs. Shanks, Carr of Jackson, Hodge, Hoover, Miller, Pennington, Read, Standford and Tannehill.

## ON UNFINISHED BUSINESS.

Messrs. Sinclaar, Morgan and Wood.

## ON THE STATE LIBRARY.

Messrs. Carr of Jackson, Akin, Cornett, Parks and Reeve.

ON PUBLIC BUILDINGS.

Messrs. Pennington, Bradley, Jones, Miller and Major.

ON THE STATE BANK.

Messrs. Buell of Dearborn, Akin, Berry, Carr of Lawrence, Chapman, Collett, Davis of Floyd, Defrees, Ewing Hoover, Orth, Parks, Pitcher, Ritchey, Sinclaer, Todd and Wilber.

ON AGRICULTURE.

Messrs. Parks, Alexander, Buell of Warren, Herriman, Leviston, Major, Moore, Morgan, Pennington, Reyburn, Shanks, Tannehill and Wood.

ON CORPORATIONS.

Messrs. Miller, Berry, Chapman, Cotton, Davis of Floyd, Davis of Daviess and Martin, Hodge, Herriman and Read.

ON ENROLLED BILLS.

Messrs. Duzan and Reeve.

ON ENGROSSED BILLS.

Messrs. Mitchell and Burke.

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Joint Committees.

ON PUBLIC BUILDINGS.

Messrs. Carr of Lawrence, Hutton and Moore.

ON THE CANAL FUND.

Messrs. Kennedy, Farmer and Reyburn.

ON THE STATE LIBRARY.

Messrs. Leviston, Read and Sands.

Mr. Mitchell presented the petition of Robert Fulkerson and others, praying for the vacation of a certain State road in Elkhart county ;

Which was referred to a select committee.

*Ordered*, That Messrs. Mitchell, Sinclear, and Duzan compose said committee.

Mr. Carr of Lawrence presented the petition of William Duncan and others, praying the location of a certain State road in Lawrence county ;

Which was referred to a select committee.

*Ordered*, That Messrs. Carr of Lawrence, Wood, and Read compose said committee.

Mr. Orth presented the petition of sundry citizens of Tippecanoe county, praying the incorporation of a company to construct a certain road therein named ;

Which was referred to a select committee.

*Ordered*, That Messrs. Orth, Todd, and Chapman compose said committee.

Mr. Berry presented the petition of Enoch Abraham and others, praying for an act to authorize the correction of the recorded plat of the town of Enochsburgh, in Franklin county ;

Which was referred to a select committee.

*Ordered*, That Messrs. Berry, Leviston, and Cotton compose said committee.

Mr. Ewing moved to take from the table a petition presented by Mr. Davis of Daviess, praying for a change of the location of a certain State road in Daviess county ;

Which motion did not prevail.

The ayes and noes being demanded by Messrs. Morgan and Sands as to the indefinite postponement of Mr. Chapman's resolution relative to a subscription to the Daily Sentinel and Daily Journal,

*Those who voted in the affirmative are,*

Messrs. Alexander, Berry, Buell of Dearborn, Carr of Lawrence, Collett, Cornett, Cotton, Duzan, Ewing, Farmer, Henry, Hoover, Kennedy, Leviston, Major, Miller, Moore, Morgan, Parks, Pennington, Pitcher, Sands, Stanford, Tannehill, Wilber, and Wood—26.

*Those who voted in the negative are,*

Messrs. Akin, Bradley, Buell of Warren, Burke, Carr of Jackson, Chapman, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Herri-man, Hodge, Hutton, Jones, Mitchell, Orth, Read, Reeve, Reyburn, Ritchey, Shanks, Sinclear, and Todd—23.

So the resolution was indefinitely postponed.

By the unanimous consent of the Senate, Mr. Pennington introduced,

No. 1.—A bill to extend the time for the treasurer of Harrison county to distrain property for the non-payment of taxes.

Read a first and second times, the rules having been (on motion of Mr. Ewing,) suspended for that purpose.

Mr. Dobson moved to amend by striking out "treasurer of Harrison county," and inserting "treasurers of the several counties in this State."

On motion of Mr. Read,

The bill and proposed amendment were laid upon the table.

On motion of Mr. Parks,

*Resolved*, That one thousand copies of Governor Whitcomb's Inaugural Address be printed for the use of the Senate.

Mr. Pennington moved to take bill No. 1 with the proposed amendment from the table;

Which motion did not prevail.

Mr. Defrees offered the following:

*Resolved*, That the door-keeper of the Senate be directed to furnish two copies of the Daily State Journal and Daily State Sentinel to each member of this Senate, at a price not exceeding one dollar and fifty cents per copy.

Mr. Morgan moved to amend by inserting after the words "one dollar and fifty cents," at the expense of the respective members of this body."

Which motion failed.

Mr. Pitcher moved to amend by striking out "two," and inserting "fifty," before the word copies.

Mr. Herriman called for a division of the question upon the amendment; and upon the question "shall the word "two" be stricken out? The Senate decided in the negative.

The question then recurring upon the adoption of the resolution,

The ayes and noes were demanded by Messrs. Morgan and Collett.

*Those who voted in the affirmative are,*

Messrs. Akin, Buell of Warren, Burke, Carr of Jackson, Chapman, Davis of Daviess, Defrees, Dobson, Herriman, Hodge, Hutton, Jones, Orth, Read, Reeve, Ritchey, Shanks, Sinclear, and Todd—19.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Dearborn, Carr of Lawrence, Collett, Cornett, Cotton, Davis of Floyd, Duzan, Ewing, Farmer, Henry, Hoover, Kennedy, Leviston, Major, Miller, Moore, Morgan, Parks, Pennington, Pitcher, Reyburn, Sands, Stanford, Tannehill, Wilber, and Wood—28.

So the resolution was not adopted.

Mr. Burke offered the following:

**Resolved,** That the Senate will, the House concurring therein, adjourn *sine die* on the first Monday in January next; which,

On motion of Mr. Dobson,

Was laid upon the table.

Mr. Defrees introduced

No. 2. A joint resolution providing for furnishing certain persons therein named with the Revised Code of 1843;

Read a first and second times, the rules having been suspended for that purpose, on motion of Mr. Defrees;

And upon his further motion, the same was laid upon the table.

On motion of Mr. Hodge,

**Resolved,** That a committee of one from each congressional district be appointed, whose duty it shall be to inquire into the expediency of extending the time now fixed by law for the several county treasurers to distrain property for the non-payment of taxes until the 25th of December, annually, and that a reasonable time be given said treasurers to make settlement with the several county auditors and State Treasurer.

The President appointed the following gentlemen as that committee:

1st congressional district,	Mr. Pitcher,
2d	" " Carr of Jackson,
3d	" " Cornett,
4th	" " Hoover,
5th	" " Ritchey,
6th	" " Davis of Daviess,
7th	" " Collett,
8th	" " Orth,
9th	" " Chapman,
10th	" " Hodge.

Mr. Sands offered the following:

Whereas, an amount of business unequalled has been disposed of by the preceding sessions of the Legislature, in the prosecution of investigations connected with the system of internal improvements, and to provide for the final disposition of the works connected therewith, as also to examine into the State Bank of Indiana, in districting the State congressionally, &c.;

And whereas, the revision of the laws having cost the last Legislature much labor, and the State a large amount of the people's money, and that they have not yet been submitted to undergo public approval or public condemnation;

And whereas, in view of these facts, this legislature is fully impressed with the conviction that it would be improper and impolitic to enact material alterations or amendments, thereby heaping legislation upon legislation, drawing out the present session to a length uncalled for, and not in accordance with public expectation. Therefore,



*Be it resolved*, That the Senate will, the House of Representatives concurring therein, adjourn *sine die*, on the earliest day possible; which,

On motion of Mr. Carr of Lawrence,  
Was laid upon the table.

On motion of Mr. Parks,

*Resolved*, That a select committee be appointed to inquire into the expediency of abolishing the office of State Librarian, and the duties thereof be performed by the Secretary of State; with leave to report by bill or otherwise;

*Ordered*, That Messrs. Parks, Shanks, and Pitcher compose that committee.

On motion of Mr. Morgan,

*Resolved*, That the Secretary of State be requested to report to the Senate whether the number of copies of the Revised Laws authorized to be printed in the German language by the last Legislature have been subscribed for by each county.

On motion of Mr. Duzan,

*Resolved*, That owing to the present embarrassed condition of the State, it will be the indispensable duty of the present Legislature to adopt a rigid system of economy, and to curtail as far as practicable the expenditures in every branch of the public service, and that a select committee be appointed, to report by bill or otherwise.

Mr. Defrees moved to reconsider the vote upon the adoption of said resolution;

Which motion prevailed.

And upon further motion of Mr. Defrees,

The same was laid upon the table.

On motion of Mr. Parks,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Davis of Floyd introduced

No. 3. A joint resolution on the subject of improving the navigation of the Mississippi and Ohio rivers;

Read a first time and passed to a second reading on to-morrow.

Mr. Parks introduced

Bill No. 4. Reducing the fees and salaries of State officers;

Read a first time and passed to a second reading on to-morrow.

Mr. Tannehill presented the petition of Patrick Rodgars of Bartholomew county, and others, praying the passage of an act to release the penalty for non-payment of taxes within the time appointed

by law, and to defer the collection of taxes until some time in January ;

Which was ordered to be referred to a committee of ten.

Mr. Pennington moved to take from the table bill No. 1, with the amendment ;

Which motion prevailed,

And the same was ordered to be referred to the committee of one from each congressional district.

On motion,

The Senate adjourned.

## FRIDAY MORNING, DEC. 8, 1843.

The Senate assembled.

The President laid before the Senate the following annual reports of the following Branches of the State Bank of Indiana :

The report of the Branch at Evansville,

"	"	Richmond,
"	"	Vincennes,
"	"	Fort Wayne,
"	"	Lafayette,
"	"	New Albany,
"	"	Terre Haute,
"	"	South Bend,
"	"	Michigan City,
"	"	Lawrenceburgh,
"	"	Bedford,
"	"	Madison.

Which, on motion of Mr. Dobson,

Were laid upon the table.

Mr. Herriman presented the petition of Horatio M. Slack and others, of Noble and Lagrange counties, praying for the passage of an act to authorize William Steinberger and Jonathan Hoke to sue out a writ of ad quod damnum, &c. ;

Which was referred to a select committee.

*Ordered*, That Messrs. Herriman, Sinclear, and Pennington compose said committee.

Mr. Carr of Lawrence presented the memorial of Daniel Kelso of Switzerland county, contesting the right of David Henry to a seat in the Senate, as Senator from said county, and praying an investigation relative thereto.

The President laid before the Senate a transcript of the record of the proceedings of the board of commissioners of the county of

Switzerland, in reference to the said contested seat, and also certain depositions.

On motion of Mr. Carr of Lawrence,

The said memorial, transcript, and depositions, were referred to the committee on Elections.

Mr. Hodge presented the petition and remonstrance of sundry citizens of Delaware county, in relation to a certain mill dam on White river in said county ;

Which, on his motion, were referred to the committee on the Judiciary.

Mr. Orth presented the petition of sundry citizens of Tippecanoe and White counties, praying for the organization of a school district ;

Which, on his motion, was referred to the committee on Education.

Mr. Davis of Daviess moved to take from the table the petition presented by him, praying for the change of the location of a certain road in Daviess county ;

Which prevailed.

And, on his motion, the petition was referred to the committee on Roads.

Mr. Mitchell made the following report from a select committee, to-wit :

Mr. PRESIDENT :

The select committee to whom was referred the petition of Robert Fulkerson and others, praying for the vacation of a certain State road in the county of Elkhart, have had the matter under consideration, and have directed me to report the following bill and respectfully ask its passage.

W. B. MITCHELL, *Ch'm.*

Bill No. 5. A bill relative to a certain State road in the county of Elkhart ;

Which was read a first time ; and,

On motion of Mr. Mitchell,

The rules were suspended, and the bill read a second and third times, and the question then being, shall the bill pass ?

The Senate decided unanimously in the affirmative.

*Ordered*, That the Secretary inform the House of the passage of said bill, and request their concurrence therein.

Mr. Ewing offered the following :

Whereas, the long established Northern boundary of Knox county was materially changed in the last year's revision of our laws, without the consent of the people of said county interested, or the knowledge of their representatives, by "An act in relation to county boundaries," reported from the House of Representatives to the Senate without a specification of change of the act then in force, and being deemed a mere transcript of the old act, was adopted without scrutiny, after the usual reading by its title only ; And whereas, such

a proceeding merits rebuke, and should be corrected without delay. Therefore,

*Resolved*, That a committee of five Senators be appointed to investigate and report the facts in relation to the change, and the action and course pursued upon the bill by which it was effected; and if deemed right, to report a bill repealing the enactment of the change, and re-enacting the former description of Knox county boundaries, so that said county shall be restored the strip of territory and population so improperly attached to Sullivan county.

Mr. Akin moved to lay said resolution upon the table.

The ayes and noes being demanded by Messrs. Akin and Ewing,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Leviston, Major, Miller, Mitchell, Parks, Pennington, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—25.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Dearborn, Buell of Warren, Burke, Collett, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Kennedy, Moore, Morgan, Orth, Pitcher, Reeve, Reyburn, Sands, Stanford, and Todd—24.

So the resolution was laid upon the table.

Mr. Orth offered the following resolution:

*Resolved*, That the said David Henry, whose seat is contested by the said Daniel Kelso, have leave to appear before the committee on Elections, in person and by counsel, in defence of his rights.

Mr. Ritchey moved to amend so that the resolution would read as follows:

*Resolved*, That the said David Henry, whose seat is contested by the said Daniel Kelso, and the said Daniel Kelso have leave to appear before the committee on Elections, in person and by counsel, in defence of their respective rights.

Mr. Ritchey's amendment was adopted.

And the question then recurring upon the adoption of the resolution as amended,

The Senate decided in the affirmative.

On motion of Mr. Defrees,

*Resolved*, That the committee on Elections shall keep a journal of their proceedings, which, together with the testimony taken, shall be submitted by said committee to this Senate with their report.

On motion of Mr. Mitchell,

*Resolved*, That a committee of three be appointed to examine the correspondence between the President and Directory of the State Bank of Indiana, and the Cashiers and Directory of the several

Branches of said Bank, and report to the Senate, with the least possible delay, whether there is any thing contained in said correspondence other than what is right and proper for a judicious management of the Bank under the provisions of its charter.

*Ordered*, That Messrs. Mitchell, Dobson, and Pennington compose said committee.

On motion of Mr. Wilber,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of applying the Bank tax school fund directly to purposes of common school education on equitable terms, instead of being loaned out, agreeable to the Revised Statutes of 1843, section 74, article 5, of chapter 13;

Also, to inquire into the propriety of taking that portion of the surplus revenue from the Branches of the State Bank that has been appropriated to common school purposes, and has not been subscribed as stock in said Branches, so that the fund may be more productive;

Also, to report whether the school fund has not been injured by making Treasury Notes receivable for all school fund dues; with leave to report by bill or otherwise.

On motion of Mr. Parks,

*Resolved*, That a select committee be appointed to examine into the propriety of having all the county orders issued by the several county auditors of this State, countersigned by their respective treasurers; with leave to report by bill or otherwise.

*Ordered*, That Messrs. Parks, Chapman, and Pitcher compose said committee.

On motion of Mr. Stanford,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of so amending the road law as to make the compensation allowed to supervisors by way of exemptions, uniform and equal, according to the services performed, at a certain per diem allowance.

On motion of Mr. Davis of Floyd,

*Resolved*, That the committee on Elections be empowered to take evidence by commission, if necessary, in the county of Switzerland, in the case of the contested election from said county between Messrs. Henry and Kelso; that in that case said commission shall consist of one person to be selected by Messrs. Henry and Kelso respectively, and of a third man to be chosen by the two; and the evidence thus taken shall be reported to the Senate.

On motion of Mr. Reyburn,

*Resolved*, That the committee on the Judiciary be requested to inquire into the expediency of so amending the law now in force for the collection of debts, that equal rights may be secured to both creditor and debtor, and that they report by bill or otherwise.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk:

Mr. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate, that the House reciprocates the resolution of the Senate appointing Saturday next at the hour of 10 o'clock, A. M., for the purpose of going into the election of Treasurer and Auditor of State, to fill vacancies, with the following amendment: "Strike out "Saturday" and insert "Tuesday."

Mr. Cornett moved to concur in the amendment of the House ;

Pending which,

On motion of Mr. Ewing,

The message and amendment were laid upon the table.

On motion of Mr. Wilber,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of so amending the Revised Laws as to authorize the board doing county business to appoint supervisors at their March term, instead of electing in April, as is now provided.

Mr. Chapman introduced,

Joint resolution No. 6, in relation to the completion of a harbor at Michigan City ;

Read a first time and passed to a second reading on to-morrow.

Mr. Orth introduced,

Bill No. 7. Authorizing the several courts of Tippecanoe county to be holden in such place as is therein specified during the erection of a new court house in said county ;

Read a first time and passed to a second reading on to-morrow.

Mr. Defrees introduced,

Bill No. 8, entitled, A bill to incorporate the University of "Notre Dame du Lac ;"

Read a first and second times, the rules having been suspended for that purpose, and,

On motion of Mr. Defrees,

The said bill was referred to the committee on Corporations.

Mr. Defrees also introduced,

Bill No. 9, entitled, An act to incorporate "The Brothers of St. Joseph ;"

Read a first and second times, the rules having been suspended for that purpose, and,

On motion of Mr. Defrees,

The said bill was also referred to the committee on Corporations.

Mr. Herriman introduced,

Bill No. 10, entitled, A bill to incorporate the Lagrange Phalanx ;

Read a first and second times, the rules having been suspended for that purpose, and,

On motion of Mr. Herriman,

The said bill was referred to the committee on Corporations.

Mr. Dobson introduced,

Bill No. 11, entitled, A bill to revive an act entitled an act to incorporate the Point Commerce Manufacturing and Trading Company, approved Feb. 15th, 1840.

The rules having been suspended, the bill was read a second time, and,

On motion of Mr. Dobson,

Referred to the committee on Corporations.

Mr. Burke moved to take from the table his resolution proposing to go into the election of President Judges to fill the several vacancies;

Which motion did not prevail.

The President laid before the Senate the following communication from the Secretary of State, in answer to a resolution of the Senate adopted on yesterday, inquiring what number of copies of the Revised Statutes in the German language had been subscribed for in each county.

SECRETARY OF STATE'S OFFICE, }  
Indianapolis, December 7, 1840.

HON. JESSE D. BRIGHT,

*President of the Senate:*

SIR: You will please lay before the Senate the enclosed communication.

I am, very respectfully,

Your obedient servant,

WM. SHEETS.

SECRETARY OF STATE'S OFFICE, }  
Indianapolis, December 7th, 1843.

In compliance with the resolution of the Senate, adopted this day, "requesting the Secretary of State to report whether the number of copies of the Revised Laws authorized to be printed in the German language by the last legislature have been subscribed for by each county," reports as follows:

1.	Adams county,	25	copies	subscribed	for.
2.	Blackford	"	2	"	
3.	Boone	"	0	"	
4.	Carroll	"	0	"	
5.	Dearborn	"	34	"	
6.	Decatur	"	4	"	
7.	Dubois	"	2	"	
8.	Fayette	"	0	"	
9.	Floyd	"	3	"	
10.	Fountain	"	2	"	
11.	Franklin	"	8	"	

12.	Gibson county,	4	copies subscribed for.
13.	Hancock	"	6
14.	Harrison	"	14
15.	Jackson	"	14
16.	Jay	"	0
17.	Lake	"	1
18.	Laporte	"	3
19.	Marion	"	57
20.	Miami	"	6
21.	Montgomery	"	3
22.	Perry	"	0
23.	Randolph	"	0
24.	Union	"	1
25.	Wayne	"	5

Total, - - - - 194

No returns have been received from the other counties.

Respectfully submitted.

WM. SHEETS.

On motion of Mr. Herriman,

Said report was laid upon the table.

The President laid before the Senate the annual report of the Branch Bank at Indianapolis;

Which, on motion, was laid on the table.

On motion of Mr. Dobson,

The said report, together with the reports of the other Branches, were taken from the table, and referred to the committee on the State Bank.

Mr. Cornett moved that the Senate would, on this afternoon, go into a committee of the whole on the Governor's message;

Which motion prevailed.

On motion,

Joint resolution No. 3, on the subject of improving the Mississippi and Ohio rivers,

Was read a second time, and,

On motion of Mr. Ewing,

Referred to the committee on Federal Relations.

Bill No. 4, entitled, A bill reducing the fees and salaries of State officers;

Being a second time read,

Mr. Mitchell moved to refer the same to the committee on Unfinished Business;

Which motion failed, and,

On motion of Mr. Ritchey,

Was referred to the committee on the Judiciary.

On motion of Mr. Stanford,

The Senate adjourned.



2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Read,  
The Senate resolved itself into a committee of the whole on the Governor's message.

Mr. Cornett in the chair.

After a short time spent therein, the committee rose, and  
Mr. Cornett made the following report :

Mr. PRESIDENT :

The committee of the whole, to whom was referred the message of His Excellency the Governor, have according to order had said message under consideration, and have adopted the following resolutions concerning the same, in which I am directed to ask the concurrence of the Senate :

1. *Resolved*, That so much of His Excellency the Governor's message as relates to the subject of a lunatic asylum, be referred to the committee on Education.

2. *Resolved*, That so much of His Excellency's message as relates to the education of deaf mutes, be referred to the committee on Education.

3. *Resolved*, That so much of the Governor's message as relates to the State Bank, be referred to the committee on the State Bank.

4. *Resolved*, That so much of the Governor's message as relates to the State Prison, be referred to the committee on the State Prison.

5. *Resolved*, That so much of the Governor's message as relates to the subject of the currency, be referred to the committee on the State Bank.

6. *Resolved*, That so much of the Governor's message as relates to the deficiency of the State's supply of arms, be referred to the committee on Military Affairs.

7. *Resolved*, That so much of His Excellency's message as relates to the State debt, and communications from bond holders, together with said communications, be referred to the committee on Finance.

8. *Resolved*, That so much of the Governor's message as relates to the revenue of the State, be referred to the committee on Finance.

9. *Resolved*, That so much of the Governor's message as relates to the organization of the militia and the public arms, be referred to the committee on Military Affairs.

10. *Resolved*, That so much of the Governor's message as refers to the Wabash and Erie Canal, be referred to the committee on Canals and Internal Improvements.

11. *Resolved*, That so much of the Governor's message as relates to the White Water Valley Canal be referred to the committee on Canals and Internal Improvements.

12. *Resolved*, That so much of the Governor's message as relates to Treasury Notes, be referred to the committee on Finance.

13. *Resolved*, That so much of the Governor's message as relates to the selection of the Wabash and Erie Canal Lands, be referred to the committee on Federal Relations.

14. *Resolved*, That so much of the Governor's message as relates to Education, be referred to the committee on Education.

15. *Resolved*, That so much of the Governor's message as relates to the Cross-Cut Canal, be referred to the committee on Canals and Internal Improvements.

16. *Resolved*, That so much of the Governor's message as relates to the Madison and Indianapolis Railroad, be referred to the committee on Canals and Internal Improvements.

17. *Resolved*, That so much of the Governor's message as relates to the Public Lands and relief of the State, be referred to the committee on Federal Relations.

18. *Resolved*, That so much of the Governor's message as relates to the protection of our own industry and commerce, be referred to the committee on Federal Relations.

In the adoption of the foregoing resolutions, numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, the Senate concurred without a division.

On motion of Mr. Farmer,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of selling or leasing the saline lands lying in Brown county; and that they report by bill or otherwise.

Mr. Mitchell moved to take from the table his resolution relative to the call of a convention to alter the constitution of this State;

Which motion prevailed.

The question then recurred upon the adoption, and,

The resolution was adopted.

Mr. Defrees moved to take from the table

No. 2. A joint resolution providing for furnishing certain persons therein named with the Revised Statutes of 1843;

Which motion prevailed, and the same was read a third time.

The question recurring upon its adoption,

The ayes and noes were demanded by Messrs. Stanford and Parks.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Buell of Dearborn, Buell of Warren, Chapman, Collett, Cotton, Davis of Floyd, Defrees, Herriman, Hutton, Jones, Leviston, Orth, Pitcher, Sinclear, Walpole, and Wood—18.

*Those who voted in the negative are,*

Messrs. Berry, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Daviess, Dobson, Duzan, Ewing, Farmer, Henry, Hodge, Hoover, Kennedy, Major, Miller, Mitchell, Moore, Morgan, Parks, Pennington, Read, Reeve, Rayburn, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, and Wilber—32.

So the joint resolution was not adopted.

Mr. Wilber offered the following :

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the valuation law as to give the people of the State of Indiana the same facilities for collection of debts as is now enjoyed by the Banks of the State ;

Which was not adopted.

Mr. Burke offered the following :

*Resolved*, That the Judiciary committee be respectfully requested to inquire into the expediency of amending the third section of an act entitled "An act to require the Bank to continue specie payments," approved Feb. 13, 1843, so that it will not be necessary to set out in writing the acception of the valuation and appraisement laws ; with leave to report by bill or otherwise ;

Which,

On motion of Mr. Dobson,  
Was laid upon the table.

On motion,  
The Senate adjourned.

SATURDAY MORNING, DEC. 9, 1843.

The Senate assembled.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

MR. PRESIDENT :

The House has passed engrossed bill of the House, entitled,  
No. 17. An act authorizing a special session of the Switzerland circuit court ;

In which the concurrence of the Senate is respectfully requested.

Said act No. 17, was read a first time ; and,

On motion of Mr. Henry,  
The rules were suspended for a second and third reading.  
The question then being on its passage,  
The Senate decided in the affirmative.

Also, the following message was received from the House of Representatives by Mr. English, their Principal Clerk :

**Mr. PRESIDENT :**

I am directed by the House to inform the Senate that the House has adopted the following resolution :

*Resolved*, That the House will, the Senate concurring, on Saturday next, the 9th inst., at 10 o'clock, A. M., go into the election of President Judges for the sixth, seventh, and ninth judicial circuits.

Mr. Walpole moved to amend by striking out all from the resolving clause, and inserting the following :

"That it is inexpedient at this time to go into the election of President Judges until the Legislature decide what reductions, if any, shall be made in the compensation of said officers."

Pending which,

On motion of Mr. Dobson,  
The message and proposed amendment were laid upon the table.

Mr. Herriman presented the petition of Eliza C. Hoyt for divorce.

Mr. Mitchell moved to refer said petition to the committee on Unfinished Business ;

Which motion did not prevail.

Mr. Ewing moved to refer the same to the committee on the Judiciary ;

Which motion was lost ; and thereupon,

On motion of Mr. Herriman,  
The said petition was referred to a select committee.

*Ordered*, That Messrs. Herriman, Pitcher, and Chapman compose said committee.

Mr. Ewing presented the petition of John Turney and 264 others, of Knox county, praying of the General Assembly to memorialize Congress for land to improve the river Wabash ;

Which was referred to the committee on Federal Relations.

Mr. Berry, from a select committee, made the following report :

**Mr. PRESIDENT :**

The select committee to whom was referred the petition of certain citizens of Franklin county, relative to a correction in the plat of the town of Enochsburgh in said county, have had the same under consideration, and have directed me to report the following bill :

No. 12. A bill to correct the plat of the town Enochsburgh, in Franklin county.

The bill having been read a first time,

On motion of Mr. Berry,

The rules of the Senate were suspended, the bill was read a second time and ordered to be engrossed.

On a third reading the question was, shall it pass? and,

The Senate decided in the affirmative.

On motion of Mr. Chapman,

*Resolved*, That the committee on Finance be instructed to report a bill to postpone or prevent the sale for delinquent taxes of such real estate as may be mortgaged to the State of Indiana, to secure the payment of any of the trust funds.

On motion of Mr. Orth,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the law entitled "An act applying certain funds to purposes of Education," approved January 31st, 1842; and report by bill or otherwise.

On motion of Mr. Sinclear,

*Resolved*, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency of so amending the laws now in force regulating the issue of patents to purchasers of Wabash and Erie Canal lands as to dispense with the fee now charged for the issue of patents.

Mr. Walpole offered the following:

*Resolved*, That the Principal Secretary be instructed to call upon the State Printer and procure a copy of the Revised Statutes of 1842-3, for each of the following committees of the Senate, to-wit:

On Finance, Judiciary, Education, Roads, Canals and Internal Improvements, and State Bank; and that the same be delivered to the chairman of said committees;

Which Mr. Ewing moved to amend by striking out the said named committees and inserting "the standing committees of the Senate," in lieu thereof.

Mr. Burke moved to take from the table his resolution, directing the Judiciary committee to inquire into the expediency of amending the third section of an act entitled "An act to require the Bank to continue specie payments," approved Feb. 13th, 1843;

Which motion prevailed.

Mr. Dobson moved to amend the said resolution so as to read "the second and third sections" of an act entitled an act, &c.;

Which motion prevailed.

Mr. Pitcher moved the following amendment:

"And that said committee further inquire into the expediency of modifying the whole of said law;"

Which motion also prevailed.

Mr. Hutton introduced,

Joint resolution No. 13, explanatory of an act approved February 2d, 1843, for the relief of J. J. Burton and Joseph Luther, and an act approved February 11th, 1843, for the relief of N. Burchfield;

Read a first and second times, the rules having been suspended for that purpose, and,

On motion of Mr. Pitcher,  
The said joint resolution was referred to the committee on Finance.

*The following bills were introduced :*

By Mr. Morgan :

Bill No. 14. A bill to provide for summoning grand and petit jurors in Decatur county ;

Read a first time and passed to a second reading on Monday next.

By Mr. Chapman :

Bill No. 15. A bill to change the name of George R. Selkregg and others ;

Read a first time and passed to a second reading on Monday next.

By Mr. Buell of Dearborn :

Bill No. 16. A bill to organize a new county out of the county of Dearborn, and to re-locate the county seat thereof ;

Read a first time and passed to a second reading on Monday next.

By Mr. Todd :

Bill No. 17. A bill to authorize the appointment of commissioners to take the acknowledgment of deeds, and other instruments of writing executed out of the State ;

Read a first time and passed to a second reading on Monday next.

By Mr. Buell of Warren :

Bill No. 18. A bill for the relief of purchasers of school lands ;

Read a first time and passed to a second reading on Monday next.

By Mr. Chapman :

Bill No. 19. A bill extending the jurisdiction of justices of the peace ;

Read a first time and passed to a second reading on Monday next.

By Mr. Hodge :

No. 20. An act to repeal an act requiring supervisors to enter into bond and security ;

Read a first time and passed to a second reading on Monday next.

Joint resolution No. 6, in relation to the completion of a harbor at Michigan City ;

Read a second and third times and passed.

*Ordered*, That the Secretary inform the House of the passage of said joint resolution, and request their concurrence therein.

On motion of Mr. Orth,

The third section of bill No. 7, authorizing the several courts of Tippecanoe county to be holden in a certain place therein specified, was amended so as to read "to be in force from and after the first day of April next," instead of "from and after its publication in the Indiana State Journal ;"

And, after a second reading, was ordered to be engrossed and read a third time on Monday next,

On motion,

The Senate adjourned until Monday morning next.

MONDAY MORNING, DEC. 11, 1843.

The Senate assembled.

The President laid before the Senate a communication from Mr. Kelso, in relation to his right to a seat in the Senate ; which,

On motion of Mr. Davis of Daviess,

Was referred to the committee on elections.

Also, the following communication from the President of the State Bank of Indiana :

OFFICE OF THE STATE BANK OF INDIANA, }  
Indianapolis, December 9, 1843. }

HON. JESSE D. BRIGHT,

*President of the Senate :*

SIR : The annual report of the Directors of the State Bank of Indiana was, according to law, delivered to the State Printers, on Tuesday of the present week, and the accompanying exhibits of the condition of the Bank and each Branch, with the salaries of officers, &c., are this day also delivered.

Very respectfully,  
S. MERRILL.

Which,

On motion of Mr. Sands,

Was referred to the committee on the State Bank.

Mr. Wood introduced the petition of James Orr and other citizens of the counties of Randolph and Jay, praying for the passage of an act to locate a certain State road in said counties ;

Which was referred to the committee on roads.

Mr. Chapman presented the following :

MR. PRESIDENT :

The committee on elections have directed me to ask the passage of the following resolution :

*Resolved*, That the committee on elections be and hereby are authorized to employ a clerk during their investigation of the contested election of David Henry ;

Which was adopted.

Mr. Hodge presented the following report :

MR. PRESIDENT :

The select committee to whom was referred a petition of sundry citizens of Bartholomew county, together with a resolution, and bill

No. 1 of the Senate, on the subject of distraining property for the non-payment of taxes, &c., have had the same under consideration, and have directed me to report the bill back with one amendment, and recommend its passage.

Strike out the bill from its enacting clause, and insert the following:

SEC. 1. That in case any person or persons shall refuse or neglect to pay the tax imposed on them after the 25th day of December, the county treasurer shall levy the same, together with five per cent. damages, and the costs and charges that may accrue, by distress and sale of the goods and chattels of said person or persons so failing to pay the same, wheresoever the same may be found within the county.

SEC. 2. All penalties, costs, and charges, levied or assessed against any person for the non-payment of taxes prior to the publication of this act, are hereby remitted.

SEC. 3. The county auditor and treasurer shall attend at the office of said auditor on the third Monday in January, and said treasurer shall then and there make settlement with said auditor, in the manner prescribed by law.

SEC. 4. Each county treasurer shall, on or before the first Monday in February, pay over to the State Treasurer all moneys found due from him as such treasurer, in the manner prescribed by the act of which this is an amendment.

SEC. 5. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 6. This act shall be in force from and after its publication in the Indiana Journal and State Sentinel.

Mr. Morgan moved to amend the first section by striking out the "25th day of December," and inserting in lieu thereof, "first of January."

On motion of Mr. Orth,

The bill and proposed amendment were referred to the committee on the judiciary.

On motion of Mr. Carr of Jackson,

*Resolved*, That His Excellency the Governor be requested to lay before the Senate a copy of the contract for building a new State Prison at Jeffersonville, together with the plan and specifications of said building; also, the report of the agent appointed by the Executive to superintend the construction of said building, and all other papers necessary and proper for a full and thorough understanding of that subject.

On motion of Mr. Shanks,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the present law for the assessment of the revenue, that each township shall elect an assessor annually, at the April election; also, the expediency of reducing their pay; and report by bill or otherwise.

On motion of Mr. Buell of Warren,



*Resolved*, That the committee on the judiciary be instructed to inquire what amendment, if any, is necessary to part 1, chapter 12, article 2, of the Revised Laws, relating to the duties of county assessor, to the more faithful discharge of the duties of the office; and report by bill or otherwise.

On motion of Mr. Berry,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of enacting a law by which the stockholders of the White Water Valley Canal Company shall be individually liable for the redemption of future issues of all certificates of stock, bills of credit, or other evidences of debt, of less denominations than fifty dollars, issued by said company, if not redeemed with par funds within sixty days after demand for payment, at the office of the company; and that they have leave to report by bill or otherwise.

On motion of Mr. Buell of Dearborn,

*Resolved*, That the judiciary committee be requested to inquire if the White Water Canal Company have leased water power to be applied in Cincinnati, to be taken from said White Water Canal, and report to the Senate if said company can legally do so.

On motion of Mr. Hodge,

*Resolved*, That the committee on finance be instructed to inquire into the expediency of revising and reducing the fees allowed the several county auditors of this State by the act of 1841 creating said office; with leave to report by bill or otherwise.

Mr. Parks offered the following resolution:

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed at 2 o'clock, on Monday, the 18th inst., to elect a President of the State Bank of Indiana;

Which was not adopted.

On motion of Mr. Alexander,

*Resolved*, That the committee on roads be instructed to inquire into the expediency of so amending the road law requiring supervisors of roads and highways to make their returns on the first Monday in May to the first Monday in June; and report by bill or otherwise.

Mr. Ewing moved to take from the table his resolution relative to the Knox county boundary line;

Which motion prevailed.

Mr. Akin moved an indefinite postponement.

The ayes and noes having been called for by Messrs. Ewing and Akin,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Herriman, Hoover, Hut-ton, Major, Miller, Mitchell, Ritchey, Shanks, Sinclear, Stanford, Wilber, and Wood—20.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Dearborn, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Kennedy, Leviston, Moore, Morgan, Orth, Parks, Pennington, Pitcher, Read, Reeve, Reyburn, Sands, Tannehill, and Todd—26.

So the resolution was not indefinitely postponed.

Mr. Ritchey moved to amend by striking out of the preamble to said resolution the words "merits rebuke ;"

Which amendment was accepted by the mover.

The question then recurring upon its adoption,

The Senate decided in the affirmative.

Mr. Chapman moved to take from the table the resolution proposing to go into the election of Auditor and Treasurer of State.

The ayes and noes being demanded by Messrs. Ritchey and Chapman,

*Those who voted in the affirmative are,*

Messrs. Akin, Bradley, Carr of Jackson, Carr of Lawrence, Chapman, Collett, Cornett, Duzan, Henry, Herriman, Hoover, Jones, Major, Miller, Mitchell, Morgan, Pitcher, Reeve, Ritchey, Sands, Sinclear, Tannehill, Wilber, and Wood—24.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Buell of Dearborn, Buell of Warren, Burke, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Hutton, Kennedy, Leviston, Moore, Orth, Parks, Pennington, Read, Reyburn, Shanks, Stanford, and Todd—24.

So the resolution was not taken from the table.

By the unanimous consent of the Senate, leave was granted Mr. Read to present the following report :

Mr. PRESIDENT :

The committee on finance to whom was referred a resolution instructing said committee to report a bill to postpone or prevent the sale for delinquent taxes of such real estate as may be mortgaged to the State of Indiana, to secure the payment of any trust funds, have had that subject under consideration, and have directed me to report the following bill :

No. 21. A bill to suspend the sale for taxes of all delinquent lands heretofore mortgaged to any of the trust funds ;

Read a first time, and passed to a second reading on to-morrow.

By the unanimous consent of the Senate, Mr. Ewing presented the following report :

Mr. PRESIDENT :

The committee on federal relations to whom was referred a joint resolution on the subject of improving the navigation of the Mississippi and Ohio rivers ; also, a petition of John Turney and others, citizens of Knox county, praying of this General Assembly to apply to Congress for land to improve the river Wabash, now report said joint resolution and petition, and ask the adoption of the following amendments :

In fifth line, after the word "treasury," insert "or public lands the proceeds of which shall be expended."

In seventh line, after the word "Ohio," insert "and Wabash."

Amend the title of the same by inserting "Wabash" after the word "Ohio."

Mr. Chapman moved to amend the report of the committee by striking out the words "Senators and Representatives in Congress be requested," and insert in lieu thereof "Senators in Congress be instructed, and our Representatives requested ;"

Which motion prevailed.

Mr. Chapman moved to concur in the report of the committee as amended ;

Which motion was decided in the affirmative.

*Ordered*, That said joint resolution be engrossed for a third reading.

The rules having been dispensed with, by the unanimous consent of the Senate,

Mr. Defrees presented the petition of the President of the Board of Trustees of Vincennes University ; which,

On motion of Mr. Miller,

Was laid upon the table, and one hundred copies ordered to be printed.

Mr. Buell of Dearborn presented the proceedings of the Board of Directors of the State Bank of Indiana ;

Which, on his motion, was referred to the committee on the State Bank.

On motion of Mr. Morgan,

*Resolved*, That the committee on education be requested to inquire into the expediency of altering that part of the Revised Laws of the last session of the General Assembly, relative to the management of the common school fund, so that no part of said fund shall be applied to the payment of officers for the management thereof.

Mr. Defrees presented joint resolution No. 22, on the subject of the State Library ;

Read a first time and passed to a second reading on to-morrow.

Mr. Davis of Daviess introduced,

Bill No. 23. A bill to reduce the salaries of Governor and other State officers ;

Read a first and second times, the rules having been dispensed with for that purpose; whereupon,

Mr. Ewing moved to amend said bill by striking out all from the enacting clause, and inserting as follows:

"That as vacancies now exist, or may hereafter occur, after the unexpired terms of service, all officers whose compensation cannot be changed at an earlier period by reason of constitutional provision, that salaries allowed to them respectively shall be; to the Governor, twelve hundred dollars; to the Judges of the Supreme Court, twelve hundred dollars each; to the President Circuit Judges, seven hundred and fifty dollars each; to Associate Circuit Judges, and to County Probate Judges, two dollars per day each, during their attendance at court; to the members of the General Assembly, two dollars per day during their attendance, and two dollars for every twenty-five miles travel, severally, estimating by the most usual direct road, going to and returning from the seat of Government; to the Secretary of State an annual salary of six hundred dollars, and two hundred for clerk hire; to the Treasurer of State an annual salary of eight hundred dollars, and two hundred dollars for clerk hire; to the Auditor of State an annual salary of seven hundred dollars, and two hundred dollars for clerk hire; said salaries to be all payable quarterly, and, except for other and distinct services specially provided to be compensated by law, shall be taken in full payment of the said officers.

2d. That the salaries and the fees of all other State, county, and township officers now allowed by law, shall be reduced as hereinafter provided, viz: The clerks of the circuit courts, and the sheriffs, and the coroners, and the treasurers of each county shall, after the passage of this act, deduct one-third the amount thereof; and all other officers not mentioned, whether of State, county, or township, shall deduct one-fourth the amount now authorized to be by them respectively charged; and any failure to make said deductions upon fees, charges, and other compensation for services hereafter rendered or accruing, shall subject such non-complying officer to indictment for extortion and fraud, and on conviction, to fine not less than fifty nor more than five hundred dollars, at the discretion of the jury trying the same.

3d. That all laws or parts of laws coming within the purview of this act be and the same are hereby repealed.

This act to be in force from and after its passage.

Mr. Morgan moved to amend the amendment as follows:

"That part that relates to members of the Legislature to take effect from the commencement of the present session;"

Whereupon, Mr. Davis of Daviess moved to lay the amendment with the proposed amendment thereto upon the table.

The ayes and noes having been demanded by Messrs. Morgan and Akin,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Bradley, Buell of Dearborn, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Collett, Davis of Daviess, Duzan, Hodge, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Moore, Orth, Parks, Pennington, Read, Reeve, Rayburn, Ritchey, Shanks, Sinclear, Tannehill, and Wood—30.

*Those who voted in the negative are,*

Messrs. Alexander, Buell of Warren, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Morgan, Pitcher, Sands, Stanford, Todd, and Wilber—15.

So the amendment with the proposed amendment thereto were laid upon the table.

On motion,  
The Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Morgan moved to amend bill No. 23 by striking out of second section "\$1,300," and insert "\$1,000:" out of 8th section "and necessary expenses:" out of the eleventh section the following:

"That the members of the General Assembly shall each be allowed two dollars per day for their services, and two dollars for every twenty-five miles travel in going to and returning from the same, which allowance shall commence from the commencement of the present meeting."

Mr. Defrees offered the following amendment:

"Strike out all in said bill which relates to the reduction of the salaries of the Judges of the Supreme and Circuit Courts."

Mr. Read moved to lay the bill and pending amendment upon the table.

The ayes and noes being called by Messrs. Defrees and Morgan,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Cornett, Duzan, Henry, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Pennington, Pitcher, Read, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Walpole, Wilber, and Wood—33.

*Those who voted in the negative are,*

Messrs. Buell of Warren, Burke, Collett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Moore, Morgan, Orth, Reeve, Reyburn, and Todd—16.

So the bill and pending amendments were laid upon the table.

The following message was received from the House of Representatives by Mr. Gorman, a member :

Mr. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed engrossed bill of the House, entitled,

No. 45. An act to reduce the salaries of the Governor of the State and other officers ;

And respectfully ask the concurrence of the Senate.

The bill was read a first and second times, the rules having been dispensed with for that purpose.

Mr. Defrees moved the following amendment :

“Strike out of said bill all that relates to the reduction of the salaries of the Judges of the Supreme and Circuit Courts.”

The ayes and noes being demanded by Messrs. Davis of Daviess and Defrees,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Collett, Cotton, Davis of Floyd, Defrees, Herriman, Moore, Orth, Pennington, Pitcher, Reyburn, and Walpole—14.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Buell of Dearborn, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Davis of Daviess, Duzan, Ewing, Farmer, Henry, Hodge, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Morgan, Parks, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—35.

So the amendment was not adopted.

Mr. Walpole moved the following amendment :

“And the act creating the office of Private Secretary to the Governor, and the salary allowed by law to that office, is hereby repealed.

The ayes and noes being demanded by Messrs. Walpole and Read,

*Those who voted in the affirmative are,*

Messrs. Alexander, Berry, Bradley, Buell of Dearborn, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Collett, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Duzan, Ewing, Farmer, Henry, Hodge, Hoover, Hutton, Jones, Kennedy, Leviston, Miller, Mitchell, Moore, Morgan, Orth, Parks, Pitcher, Read, Reeve, Reyburn, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—44.

*Those who voted in the negative are,*

Messrs. Akin, Herriman, Major, Pennington, and Ritchey—5.

So the amendment was adopted.

Mr. Walpole moved the following amendment :

“That the Lieutenant Governor, while acting as President of the Senate, shall have three dollars per diem for the time he serves as such, during the first five weeks of the General Assembly, and one dollar and fifty cents per diem during the residue of the session, and shall be allowed the same mileage as members of the General Assembly;”

Which was adopted.

Mr. Morgan moved to amend the eleventh section by striking out the word “three,” before dollars, and inserting “two.”

Mr. Herriman demanded a division of the question; and, on the question, shall the word “three” be stricken out?

The Senate decided in the negative.

Mr. Walpole moved the following amendment :

“That the salary of State Librarian be and the same is hereby reduced to two hundred dollars per annum.”

The ayes and noes being demanded by Messrs. Walpole and Sands,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Dearborn, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Collett, Cornett, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Hoover, Hutton, Kennedy, Leviston, Miller, Mitchell, Morgan, Orth, Parks, Pennington, Read, Reeve, Rayburn, Sands, Shanks, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—38.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Chapman, Davis of Daviess, Duzan, Herriman, Jones, Major, Pitcher, Ritchey, and Sinclear—11.

The amendment was adopted.

Mr. Ritchey moved to amend by striking out the word "five" before the word "weeks" in the eleventh section, and inserting "six."

Upon the division of the question, Messrs. Akin and Ritchey demanded the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Chapman, Davis of Floyd, Defrees, Heriman, Hodge, Hoover, Mitchell, Moore, Morgan, Orth, Pennington, Pitcher, Read, Reeve, Reyburn, Ritchey, Sinclear, and Stanford—20.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Dearborn, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Collett, Cornett, Cotton, Davis of Daviess, Duzan, Ewing, Farmer, Henry, Hutton, Kennedy, Leviston, Major, Miller, Parks, Sands, Shanks, Tannehill, Todd, Walpole, Wilber, and Wood—27.

So the word "five" was not stricken out.

Mr. Wilber offered the following amendment:

"Provided, however, that the salaries of all President Judges shall remain as now established by law, until by the election of new Judges throughout the State, all shall then be subject to the provisions of this act, from and after which time the salaries of all said Judges shall be \$800 per year, and no more."

Which amendment was not adopted.

Mr. Mitchell moved the following amendment:

"SEC. —. Be it further enacted, That the office of commissioner of the Wabash and Erie Canal east of Lafayette, and the office of commissioner of the Wabash and Erie Canal west of Lafayette be, and the same are hereby abolished, and that a general superintendent shall be elected by a joint ballot of vote of the present General Assembly, to serve as such for the term of three years, and whose salary shall be one thousand dollars per annum, the one-half of which salary shall be paid from the funds of each division of said Wabash and Erie Canal.

SEC. —. Be it further enacted, That it is made the duty of said general superintendent to perform, according to the laws now in force, the duties which now devolve on the incumbents of the offices hereby abolished, keeping the two works in the same separate condition as at present.

SEC. —. And be it further enacted, That the general superintendent is authorized to employ such assistants as is now provided for by law, and as may be found absolutely necessary."

Mr. Davis of Daviess moved to lay said amendment upon the table;

Which motion did not prevail.

The question then recurring upon its adoption,



The ayes and noes were called by Messrs. Carr of Jackson and Hoover.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Burke, Chapman, Cornett, Cotton, Duzan, Ewing, Farmer, Herriman, Hutton, Kennedy, Miller, Mitchell, Moore, Morgan, Orth, Pennington, Read, Reeve, Ritchey, Sands, Sinclear, Stanford, Tannehill, Todd, Walpole, and Wilber—29.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Collett, Davis of Daviess, Davis of Floyd, Henry, Hoover, Jones, Leviston, Major, Parks, Reyburn, Shanks, and Wood—16.

So the amendment was adopted.

Mr. Reeve offered the following amendment :

“That the per diem allowance of the Secretaries of the Senate and Clerks of the House shall not at any time be more than the per diem allowance of members of the General Assembly;”

Which was adopted.

Mr. Sands moved the following amendment :

“Be it further enacted, That hereafter there shall be but one agent on the New Albany and Vincennes Turnpike Road, who shall be elected by joint ballot of the two Houses, which agent shall not receive a larger compensation than seventy-five dollars, which shall be paid out of the tolls arising from said road, and who shall serve for the term of one year.”

The ayes and noes were demanded by Messrs. Davis and Sands.

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Chapman, Collett, Cornett, Davis of Floyd, Defrees, Henry, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Todd, and Walpole—22.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Duzan, Ewing, Farmer, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Stanford, Tannehill, Wilber, and Wood—27.

So said amendment did not prevail.

Mr. Cornett moved the following amendment :

“Be it further enacted, That the per diem allowance of door-keeper of the Senate and House of Representatives shall not exceed

the amount provided for in this bill for members of the General Assembly ; ”

Which amendment prevailed.

Mr. Walpole moved the following amendment :

“ SEC. —. That the compensation of Probate and Associate Judges shall be two dollars per diem for each and every day that they shall serve as such. ”

The ayes and noes were demanded by Messrs. Walpole and Defrees.

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Chapman, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Hutton, Kennedy, Mitchell, Moore, Morgan, Orth, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, and Wilber—25.

*Those who voted in the negative are,*

Messrs. Akin, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Collett, Cornett, Cotton, Davis of Daviess, Duzan, Herriman, Hoover, Jones, Leviston, Major, Miller, Parks, Pennington, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—23.

So the amendment was adopted.

Mr. Ewing moved the following amendment :

“ That the salaries and the fees of all other State, county, and township officers now allowed by law shall be reduced as hereinafter provided, viz : The clerks of the circuit courts, and the sheriffs, and the coroners, and the treasurers of each county, shall, after the passage of this act, deduct one-third the amount thereof, and all other officers not mentioned, whether of State, county, or township, shall deduct one-fourth the amount now authorized to be by them respectively charged ; and any failure to make said deductions upon fees, charges, and other compensation, for services hereafter rendered or accruing, shall subject such non-complying officer to indictment for extortion and fraud, and on conviction, to fine not less than fifty, nor more than five hundred dollars, at the discretion of the jury trying the same.

That all laws or parts of laws coming within the purview of this act be and the same are hereby repealed.

This act to be in force from and after its passage.”

The ayes and noes being demanded by Messrs. Ewing and Ritchey,

*Those who voted in the affirmative are,*

Messrs. Alexander, Buell of Warren, Burke, Cornett, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Kennedy, Moore, Morgan, Orth, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, and Tannehill—21.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Bradley, Carr of Jackson, Carr of Lawrence, Chapman, Collett, Cotton, Davis of Daviess, Duzan, Herriman, Hoover, Hutton, Jones, Leviston, Major, Miller, Mitchell, Parks, Pennington, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—28.

So the amendment was not adopted.

The following message was received from the House :

Mr. PRESIDENT :

The Speaker of the House of Representatives has signed the following enrolled bill of the House :

No. 17. An act to authorize a special session of the Switzerland circuit court ;

Which I have been instructed to bring to the Senate for the signature of their president.

Whereupon, the President signed the bill.

On motion,

The Senate adjourned.

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TUESDAY MORNING, DEC. 12TH, 1843.

The Senate assembled.

The President laid before the Senate the report of S. Fisher, commissioner of the Wabash and Erie canal ; which,

On motion of Mr. Bradley,

Was laid on the table and 300 copies ordered to be printed.

The President also laid before the Senate the report of S. Merrill, commissioner of the sinking fund ; which,

On motion of Mr. Chapman,

Was laid on the table and 200 copies ordered to be printed.

The President announced the following committee on the resolution heretofore offered by the Senator from Knox, relative to the Knox county boundary line :

Messrs. Ewing, Akin, Davis of Daviess, Miller, and Stanford.

Mr. Pennington presented the petition of Hayes McCullen, praying the passage of an act to vacate the western addition to the town of Palmyra in Harrison county ; which,

On motion of Mr. Pennington,  
Was referred to a select committee.

*Ordered*, That Messrs. Pennington, Kennedy, and Farmer compose said committee.

Mr. Hodge presented the petition of John Graham and others, praying the repeal of all laws and parts of laws in relation to the taxing of dogs in Delaware county ; which,

On motion of Mr. Hodge,  
Was referred to a select committee.

*Ordered*, That Messrs. Hodge, Rayburn, and Buell of Warren compose said committee.

Mr. Carr of Lawrence submitted the following report :

**Mr. President :**

The select committee to which was referred the petition of William Duncan and other citizens of Lawrence county, praying the location of a state road therein named, have, according to order, had the same under consideration, and directed me to report the accompanying bill and recommend its passage.

No. 24. A bill to locate a state road in Lawrence county ;

Read a first time and passed to a second reading on to-morrow.

On motion of Mr. Wilber,

*Resolved*, That the Auditor of State be instructed to report to the present General Assembly, for their information, the amount of the State Bank tax that the school fund is entitled to, what amount has been loaned, and what amount is now available ; also, whether the stockholders in the several Branches of the State Bank have failed or refused to pay their state tax, as is provided for in the bank charter, Chap. XI., Sec. 15.

On motion of Mr. Burke,

*Resolved*, That the standing committee on roads be respectfully requested to inquire into the expediency and propriety of so amending the late Revised Statutes on the subject of highways, as to make it the duty of supervisors, in their respective road districts on the National and Michigan roads, to have the same worked upon and kept in repair as other roads in this State ; with leave to report by bill or otherwise.

On motion of Mr. Hodge,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so modifying our criminal laws as to leave a discretionary power with the jury, in all cases where capital punishment is prescribed, to substitute therefor solitary confinement for life.

*The following bills were introduced :*

By Mr. Ewing :

No. 25. A bill in relation to the auditor of Knox county ;

Read a first time and passed to a second reading on to-morrow.

By Mr. Davis of Daviess :

No. 26. A bill relating to the election of seminary trustees in Daviess county ;

Read a first and second times, (the rules being suspended for that purpose) and passed to a third reading on to-morrow.

By Mr. Shanks :

No. 27. A bill to amend the fourth article of the sixteenth chapter of the Revised Statutes of 1843, so far as the same relates to the county of Washington ;

Read a first time and passed to a second reading on to-morrow.

By Mr. Wilber :

No. 28. A bill to amend an act entitled, "An act to provide for the reception of certain treasury notes in payment of county revenue, and for other purposes ;"

Read a first time and passed to a second reading on to-morrow.

By the unanimous consent of the Senate, Mr. Ewing offered the following resolution :

*Resolved*, That the President of the State Bank be requested to furnish the Senate, at as early a day as may be convenient, with a statement shewing the number of officers attached to each Branch Bank, the compensation or salaries paid to each, and the number of stockholders therein at this time, as near as he can ascertain by information in his possession ; also, report such information as he may possess in relation to any salaried or retained counsel, or other agents or officers of any Branch Bank, acting at same time as directors thereof, and, thus enabled by undue power, rendered a judge of his own acts ;

Which was adopted ;

Mr. Davis moved to commit

No. 43. A bill to reduce the salary of Governor and other State officers,

To a select committee of five ;

Which motion did not prevail.

Mr. Orth moved the following amendment to said bill :

SEC. —. "And be it further enacted, that county assessors and deputy assessors shall each be allowed one dollar and fifty cents for each day that the board doing county business shall be satisfied that they shall have been respectively employed in the discharge of the duties required of them by law ;" which

Mr. Dobson moved to amend by striking out "fifty cents ;"

Which was accepted by the mover.

The question then recurred upon the adoption of the amendment ;

The ayes and noes being demanded by Messrs. Morgan and Orth,

*Those who voted in the affirmative are,*

Messrs. Berry, Bradley, Buell of Dearborn, Buell of Warren, Burke, Collett, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Farmer, Henry, Hodge, Hoover, Hutton, Leviston, Miller, Mitchell, Moore,

Morgan, Orth, Parks, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, and Todd—30.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Ewing, Herriman, Jones, Kennedy, Major, Read, Ritchey, Shanks, Sinclear, Tannehill, Walpole, and Wood—19.

The amendment was adopted.

Mr. Morgan moved the following amendment:

“And grand and petit jurors shall each receive the sum of seventy-five cents per day for each and every day that they may be necessarily in attendance at the several circuit courts;”

Which was adopted.

Mr. Orth moved the following amendment:

SEC. —. “And be it further enacted, that the fees to be allowed to county treasurers on their settlement with the county auditors for the collection of taxes, shall respectively be as follows: Seven per centum on the first one thousand dollars; six per centum on any sum between one and two thousand dollars; five per centum on any sum between two and three thousand dollars; four per centum on any sum between three and four thousand dollars; three per centum on any sum between four and five thousand dollars; and two per centum on any sum over five thousand dollars, by them collected as aforesaid.”

Messrs. Orth and Morgan called for the ayes and noes.

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Dearborn, Buell of Warren, Burke, Collett, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Henry, Herriman, Hodge, Hoover, Leviston, Major, Miller, Mitchell, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Tannehill, Todd, and Wilber—33.

*Those who voted in the negative are,*

Messrs. Akin, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Hutton, Jones, Parks, Read, Ritchey, Shanks, Sinclear, and Wood—14.

The amendment was adopted.

Mr. Berry moved to reconsider the vote upon Mr. Ritchey's amendment;

Which motion prevailed.

The question then recurred upon said amendment, which was to strike out “five” and insert “six” before the word *weeks*.

The ayes and noes being demanded by Messrs. Cornett and Collett,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Dearborn, Chapman, Davis of Floyd, Defrees, Dobson, Ewing, Herriman, Hodge, Hoover, Hutton, Leviston, Miller, Mitchell, Moore, Orth, Pennington, Read, Reeve, Reyburn, Ritchey, Shanks, Sinclear, Stanford, Tannehill, and Todd—29.

*Those who voted in the negative are,*

Messrs. Burke, Carr of Jackson, Carr of Lawrence, Collett, Cornett, Cotton, Duzan, Farmer, Henry, Kennedy, Major, Morgan, Sands, Wilber, and Wood—15.

So the amendment was adopted.

Mr. Cornett moved the following amendment :

“ Be it further enacted, that the fees and salaries now allowed by law to county auditors, be, and the same are hereby reduced to three fourths the amount now allowed by law.”

Mr. Buell of Warren moved to amend Mr. Cornett's amendment as follows :

“ Provided, that the county auditor be allowed one per cent. for managing the surplus revenue fund, to be paid by the borrowers ; ”

Which amendment did not prevail.

Mr. Ewing moved the following amendment to the amendment :

“ That the county clerks and sheriffs, and all other county officers, shall deduct from the fees and allowances now authorized by law, one fourth the amount thereof for any and all services rendered hereafter.”

The ayes and noes being demanded by Messrs. Cornett and Ewing,

*Those who voted in the affirmative are,*

Messrs. Akin, Buell of Warren, Burke, Carr of Jackson, Cornett, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Henry, Hodge, Kennedy, Miller, Moore, Orth, Reeve, Reyburn, Sands, Stanford, Todd, and Wilber—22.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Bradley, Buell of Dearborn, Carr of Lawrence, Chapman, Collett, Cotton, Davis of Daviess, Duzan, Herriman, Hoover, Hutton, Jones, Leviston, Major, Mitchell, Morgan, Parks, Pennington, Read, Ritchey, Shanks, Sinclear, and Tannehill—26.

So the amendment was not adopted.

Mr. Defrees moved the following amendment :

Strike out all after “ that,” and say :

**Sec. —.** "Hereafter whenever the fees and salaries of either the county auditor or treasurer shall exceed the sum of seven hundred dollars, the overplus shall be paid into the county treasury for the use of common schools; and it is hereby made the duty of each of the aforesaid officers to keep a true account of such fees and salaries in a book to be kept for that purpose;"

Which amendment was not adopted.

The question then recurring upon the adoption of Mr. Cornett's amendment,

Mr. Duzan moved to amend by excepting Boone county;

Which motion prevailed.

Mr. Farmer moved to amend by excepting Monroe county;

Pending which,

On motion of Mr. Ritchey,

The amendment and proposed amendment were laid upon the table.

Mr. Todd moved the following amendment to the bill:

"Be it further enacted, that county recorders be allowed three fourths of the amount of the fees now allowed them by law, for any services now rendered by them, and no more."

Mr. Ewing moved to amend by inserting "sheriffs and clerks" after the word "recorders;"

Which amendment was accepted by Mr. Todd.

The question then being upon the adoption of the amendment,

The ayes and noes were demanded by Messrs. Ewing and Hodge.

*Those who voted in the affirmative are,*

Messrs. Burke, Cornett, Davis of Floyd, Dobson, Ewing, Farmer, Henry, Hodge, Kennedy, Morgan, Orth, Pitcher, Reeve, Reyburn, Sands, Stanford, and Todd—17.

*Those who voted in the negative are,*

Messrs. Akin, Bradley, Buell of Dearborn, Buell of Warren, Carr of Jackson, Carr of Lawrence, Chapman, Cotton, Davis of Daviess, Duzan, Herriman, Hoover, Hutton, Jones, Leviston, Major, Miller, Mitchell, Moore, Parks, Pennington, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—28.

So the amendment did not prevail.

Mr. Read moved to refer the bill, with the amendments, to a committee of four of its friends;

Which motion prevailed.

**Ordered,** That Messrs. Davis of Daviess, Wilber, Carr of Lawrence, and Shanks compose said committee.

Mr. Collett moved the following instructions to said committee:

"With instructions to strike out of said bill the amendment by which the commissioners on the Wabash and Erie canal east and west of Lafayette are abolished, and a general superintendent is substituted in lieu thereof;"



Which, on motion, was laid upon the table.

Mr. Henry offered the following instructions :

That said committee be instructed to insert the following :

“ Be it further enacted, that hereafter the clerks of the several circuit courts of this state shall not be permitted to charge a greater amount than fifty cents for each certificate of naturalization.”

The ayes and noes being demanded by Messrs. Defrees and Davis of Daviess,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Burke, Chapman, Collett, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Henry, Herriman, Hodge, Hoover, Hutton, Jones, Kennedy, Leviston, Miller, Mitchell, Moore, Orth, Parks, Pitcher, Read, Reeve, Reyburn, Sands, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—40.

*Those who voted in the negative are,*

Messrs. Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Duzan, Major, Morgan, Pennington, Ritchey, and Shanks—9.

So the instructions were adopted.

Mr. Reyburn offered the following :

“ That said committee be instructed to insert after the words *per annum*, ‘ and said commissioner shall keep his office in Peru on said canal.’ ”

Pending which, Mr. Carr of Lawrence called for a division of the question ; and

The Senate refused further to instruct.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

**Mr. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 46. . An act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire ;

In which the concurrence of the Senate is respectfully requested.

The rules being suspended for the purpose, the said bill was read a first and second times.

Mr. Burke moved to lay the bill on the table ;

Which motion failed.

On motion of Mr. Herriman,

The said bill was referred to the committee on the judiciary.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

No. 7. A bill authorizing the several courts of Tippecanoe county to be holden in such place as therein specified, during the erection of a new court house ;

Was read a third time and passed.

*Ordered*, That the secretary inform the House of Representatives of the passage of said bill, and request the concurrence of the House therein.

No. 3. A joint resolution on the subject of improving the navigation of the Mississippi, Ohio, and Wabash rivers ;

Was read a third time and passed.

*Ordered*, That the secretary inform the House of Representatives of the passage of said joint resolution, and request the concurrence of the House therein.

No. 14. A bill to provide for grand and petit jurors in Decatur county ;

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 15. A bill to change the names of George R. Selkregg and others ;

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 16. A bill to organize a new county out of the county of Dearborn, and to relocate the county seat thereof ;

Was read a second time ; and,

On motion of Mr. Herriman,

Referred to a select committee.

*Ordered*, That Messrs. Buell of Dearborn, Berry, Henry, Cornett, and Pitcher compose said committee.

Mr. Read moved to take from the table,

No. 23. A bill (of the Senate) on the subject of reducing salaries of Governor and other State officers ;

Which motion prevailed :

And on his further motion, said bill was referred to the committee to whom had been referred bill No. 45, of the House of Representatives, upon the same subject.

No. 17. A bill to authorize the appointment of commissioners to take the acknowledgment of deeds and other instruments of writing executed out of the State ;

Read a second time ; and,

On motion of Mr. Todd,

Referred to the committee on the judiciary.

No. 18. A bill for the relief of purchasers of school land ;

Read a second time ; and,

On motion of Mr. Buell of Warren,  
Referred to the committee on the judiciary.

No. 19. A bill extending the jurisdiction of justices of the peace ;  
Read a second time ; and,

On motion of Mr. Herriman,  
Referred to the committee on the judiciary.

No. 20. A bill to repeal an act requiring supervisors to enter into  
bond and security ;

Mr. Herriman moved to amend by including the counties of La-  
grange, Noble, Steuben, and De Kalb.

On motion of Mr. Stanford,  
The said bill and amendment were referred to the committee on  
roads.

Mr. Pitcher moved to instruct said committee to enquire into the  
expediency of repealing the whole law now in force, relative to su-  
pervisors ;

Which motion prevailed.

No. 21. A bill to suspend the sale for taxes, of all delinquent lands  
heretofore mortgaged to any of the trust funds ;

Read a second time, and,

On motion of Mr. Defrees,  
Referred to the committee on the judiciary.

No. 22. A joint resolution on the subject of the State Library ;

Read a second time, and,

On motion of Mr. Ewing,  
Laid on the table.

Mr. Herriman submitted the following report :

**Mr. PRESIDENT :**

The select committee to whom was referred a petition of Westley  
White and others on the subject of granting a writ of ad quod dam-  
num have had the same under consideration, and directed me to re-  
port the following bill :

No. 29. A bill to amend an act allowing and regulating the writ of  
ad quod damnum. Approved December 20, 1823. Approved Janu-  
ary 29, 1842 ;

Read a first time, and passed to a second reading on to-morrow.

Mr. Chapman submitted the following report :

**Mr. PRESIDENT :**

The select committee to which was referred the petition of Mrs.  
Eliza Hoyt, have had that subject under consideration, and have  
directed me to report the following bill, and respectfully recommend  
its passage ;

No. 30. A bill for the relief of Mrs. Elizabeth C. Hoyt ;

Read a first time, and passed to a second reading on to-morrow.

Mr. Defrees, from the committee on the judiciary, submitted the following report :

Mr. PRESIDENT :

The judiciary committee, to whom was referred the petition of Samuel Hutchings and others, on the subject of the erection of a mill dam across White river, in Delaware county, and the remonstrance of John Marshall and others, against it, have instructed me to report, that it is inexpedient to legislate on the subject; and ask to be discharged from the further consideration of the subject;

And the committee were accordingly discharged.

Mr. Reeve presented the petition of William P. Andrews, praying the passage of an act to grant him further time to execute a certain bond required of him by law, as county assessor;

Which was referred to a select committee.

Ordered, That Messrs. Reeve, Jones, and Hutton compose said committee.

Mr. Read introduced,

No. 31. A joint resolution relative to the State Bank;

Read a first time, and,

On motion of Mr. Read,

The rules were suspended, and the joint resolution read a second time.

Mr. Burke moved to amend as follows :

"And that the President thereof be respectfully requested to convene the board as soon as possible, with a view to carry out the object of the joint resolution;" which,

On motion of Mr. Cornett,

Was laid upon the table.

Mr. Dobson offered the following :

"That hereafter the President of the State Bank shall not be allowed more than one thousand dollars per annum;"

Which motion the President decided to be out of order.

Mr. Ewing moved to refer the joint resolution to the committee on finance;

Which motion did not prevail.

The joint resolution was therefore ordered to be engrossed, and read a third time on to-morrow.

Mr. Miller presented the petition of Peter S. Miller, praying a divorce from Elizabeth Miller;

Which was referred to a select committee.

Ordered, That Messrs. Miller, Major, and Pitcher compose said committee.

On motion,

The Senate adjourned.

WEDNESDAY MORNING, DEC. 13, 1843.

The Senate assembled.

Mr. Cotton presented the petition of W. G. Ewing, James Cassidy and Grenville Polke, county commissioners of Perry county, praying for the passage of a law on the subject of the school funds of said county;

Which was referred to a select committee.

*Ordered*, That Messrs. Cotton, Berry, and Leviston compose said committee.

Mr. Stanford presented the petition of James M. Crowley and other citizens of the town of Greensborough, Henry county, praying for the passage of a law prohibiting the sale of distilled or fermented liquors within said town, for any purposes except those which are strictly mechanical, medicinal, or sacramental; which,

On motion of Mr. Stanford,

Was referred to a select committee.

*Ordered*, That Messrs. Stanford, Morgan, and Pennington compose said committee.

Mr. Wood presented the petition of Lydia Ashby, praying for the enactment of a law dissolving the bands of matrimony between the petitioner and Daniel Ashby; which,

On motion of Mr. Wood,

Was referred to a select committee.

*Ordered*, That Messrs. Wood, Read, and Akin compose said committee.

Mr. Hodge presented the petition of Elijah Hocket and other citizens of the county of Grant, praying for the passage of a law constituting the board of commissioners of said county a board of trustees for the county library; which,

On motion of Mr. Hodge,

Was referred to the committee on education.

Mr. Read laid before the Senate a communication from James Matthews, on the subject of a Lunatic Asylum; which,

On motion of Mr. Read,

Was referred to the committee on education.

Mr. Cornett, from the committee on education, presented the following report :

Mr. PRESIDENT :

The committee on education, to which was referred the petition of George Shigley and others, of Tippecanoe and White counties, praying for the organization of a certain school district therein specified, have had the same under consideration and are of opinion that the law, as it now exists, provides a remedy for the inconvenience

complained of. (See article 1st, section 22, and article 2d, section 35, chapter 15, of the late revision.) I am, therefore, directed to report, that it is, in the opinion of said committee, inexpedient to legislate upon the subject.

Mr. Davis, of Floyd, from the committee on corporations, presented the following report :

Mr. PRESIDENT :

The committee on corporations, to which was referred bill of the Senate No. 9, entitled "A bill to incorporate the Brothers of St. Joseph," at South Bend, in St. Joseph county, have had the same under consideration, and have instructed me to report the same back, together with the following amendment, in which the concurrence of the Senate is requested :

Strike out the words "after ten years," in the 3d section, and add the following at the end of the bill : "at the expense of said corporation."

The report of the committee was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Davis, of Daviess, from the select committee to whom was referred bill of the Senate No. 23, and bill of the House No. 45, with the amendments of the Senate, made the following report :

Mr. PRESIDENT :

The select committee, to which was referred a bill of the Senate No. 23, entitled "A bill to reduce the salaries of Governor of the state and other officers," have had the same under consideration and have directed me to report the same back to the Senate with one amendment. Strike out all after the enacting clause, and insert the following, which, when concurred in, they recommend its passage :

SEC. 1. That all the officers of government who may be hereafter elected or appointed, are hereby allowed annually the following salaries, to-wit :

SEC. 2. The Governor, thirteen hundred dollars.

SEC. 3. The Judges of the Supreme Court, thirteen hundred dollars each.

SEC. 4. The President Judges of the Circuit Courts, eight hundred dollars each.

SEC. 5. The Secretary of State, eight hundred dollars.

SEC. 6. The Treasurer of State, one thousand dollars.

SEC. 7. The Auditor of State, one thousand dollars.

SEC. 8. The Agent of State, one thousand dollars and necessary expenses.

SEC. 9. That all laws now in force allowing four hundred dollars clerk hire to the Auditor and Treasurer of State, are hereby repealed.

SEC. 10. That all laws now in force allowing three hundred dollars clerk hire to the Secretary of State, are hereby repealed.

SEC. 11. The members of the General Assembly shall receive three dollars per day, for the first six weeks of their attendance on the same, including the present session, and one dollar and fifty cents per day, for the remaining time that they may continue in session; and three dollars for every twenty-five miles they shall severally travel on the most usual road in going to and returning from the General Assembly.

SEC. 12. That the salary of State Librarian be and the same is hereby reduced to two hundred dollars per annum.

SEC. 13. That no salary or compensation shall hereafter be allowed to the private secretary to the Governor out of the State Treasury.

SEC. 14. That the Lieutenant Governor, while acting as president of the Senate, shall have three dollars per day for the time he may serve as such during the first six weeks of the General Assembly, and one dollar and fifty cents per day during the residue of the session, and shall be allowed the same mileage as members of the General Assembly.

SEC. 15. That the office of Commissioner of the Wabash and Erie Canal, east of Lafayette, and the office of Commissioner of the Wabash and Erie Canal, west of Lafayette, be and the same are hereby abolished, and that a general superintendent shall be elected by a joint ballot vote of the present General Assembly, to serve as such for the term of three years, and whose salary shall be one thousand dollars per annum; the one half to be paid from the funds of each division of said Wabash and Erie Canal.

SEC. 16. That it is made the duty of said general superintendent to perform, according to the laws now in force, the duties which now devolve on the incumbents of the offices hereby abolished, keeping the accounts and business of the two works in the same separate condition as at present.

SEC. 17. That the general superintendent is authorized to employ such assistants as are now provided for by law, and as may be found absolutely necessary.

SEC. 18. That the compensation of Probate and Associate Judges who are hereafter appointed, shall be two dollars per day, for each and every day that they shall serve in court as such.

SEC. 19. The grand and petit jurors shall each receive the sum of seventy-five cents per day for each and every day they may be necessarily in attendance at their several circuit courts.

SEC. 20. That the per diem allowance of door-keeper of the Senate and House of Representatives shall not exceed the amount provided for by law for members of the General Assembly.

SEC. 21. That the county assessors and deputy assessors shall each be allowed one dollar and fifty cents for each day that the board doing county business shall be satisfied that they shall have been respectively employed in the discharge of the duties required of them by law.

SEC. 22. That the per diem allowance of the Secretaries of the Senate and Clerks of the House of Representatives shall not be more than the per diem allowance of members of the General Assembly.

SEC. 23. That the clerks of the circuit courts shall hereafter receive but fifty cents for a certificate of naturalization.

SEC. 24. This act to be in force from and after its passage.

Mr. Pennington called for a division of the question upon striking out.

The ayes and noes being demanded by Messrs. Ewing and Chapman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Bradley, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Farmer, Henry, Herriman, Hodge, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Mitchell Moore, Morgan, Parks, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—36.

*Those who voted in the negative are,*

Messrs. Alexander, Buell of Warren, Burke, Chapman, Collett, Cotton, Ewing, Jones, Orth, Pennington, Pitcher, and Reyburn—12.

So the bill from the enacting clause was stricken out.

Mr. Ewing moved to concur in the sections of the committee's amendments severally;

Which motion the President decided to be out of order.

Mr. Ewing appealed from the decision of the President, but, after some explanation, withdrew his appeal.

Mr. Dobson offered the following amendment:

"Strike out all that part of the bill which relates to the superintendent of the Wabash and Erie Canal, (15th, 16th, and 17th sections);"

Which amendment Mr. Mitchell moved to lay upon the table.

The ayes and noes being demanded by Messrs. Dobson and Sands.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Duzan, Ewing, Farmer, Herriman, Hodge, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Morgan, Parks, Pitcher, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—36.



*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Burke, Collett, Davis of Floyd, Dobson, Henry, Jones, Moore, Orth, Pennington, and Reyburn—12.

So the amendment was laid upon the table.

Mr. Sands offered the following amendment:

Strike out the 21st section, and insert:

“Be it further enacted, That hereafter, the assessors in each of the several counties in this State shall receive such compensation for their services as their respective boards may deem just and reasonable; which,

On motion of Mr. Carr of Lawrence,

Was laid upon the table.

Mr. Morgan offered the following amendment:

Strike out “one thousand dollars” as the compensation of Agent of State and insert “eight hundred;”

Which Mr. Ritchey moved to lay upon the table.

The ayes and noes being demanded by Messrs. Morgan and Sands,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Bradley, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Chapman, Collett, Davis of Daviess, Duzan, Ewing, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Mitchell, Moore, Parks, Pennington, Read, Ritchey, Shanks, Sinclear, Tannehill, Todd, Wilber, and Wood—30.

*Those who voted in the negative are,*

Messrs. Alexander, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Dobson, Farmer, Henry, Hodge, Miller, Morgan, Orth, Pitcher, Reeve, Reyburn, Sands, and Stanford—18.

So the amendment was laid upon the table.

Mr. Orth offered the following amendment:

“And be it further enacted, That the fees to be allowed to county treasurers on their settlement with the county auditors for the collection of taxes shall be respectively as follows: seven per centum on the first one thousand dollars, six per centum on any sum between one and two thousand dollars, five per centum on any sum between two and three thousand dollars, four per centum on any sum between three and four thousand dollars, three per centum on any sum between four and five thousand dollars, and two per centum on any sum over five thousand dollars, by them collected; which

Mr. Parks moved to lay upon the table.

The ayes and noes being demanded by Messrs. Orth and Burke,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Farmer, Henry, Herriman, Hoover, Hutton, Kennedy, Leviston, Major, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—25.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Collett, Cornett, Cotton, Davis of Floyd, Ewing, Hodge, Miller, Mitchell, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, and Todd—22.

So the amendment was laid upon the table.

Mr. Read offered the following amendment:

“Strike out that part of the bill reducing the allowance per day of probate and associate judges, and the fees of jurors;” which

Mr. Sands moved to lay upon the table.

The ayes and noes being demanded by Messrs. Orth and Sands,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Dearborn, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Collett, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Farmer, Henry, Hodge, Hutton, Kennedy, Leviston, Major, Miller, Moore, Morgan, Orth, Parks, Pitcher, Reeve, Reyburn, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, and Wilber—39.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Herriman, Hoover, Jones, Mitchell, Pennington, Read, and Wood—9.

So the amendment was laid upon the table.

Mr. Hodge offered the following amendment:

“The several county auditors whose salary has not been limited by special enactment of the General Assembly, shall receive for their services the following fees and compensation, to-wit: For making out the duplicate of State and county tax, together with the list of delinquent taxes, and copies thereof, for each hundred words, (provided that three figures shall be counted as one word,) seven cents; recording the proceedings of the board doing county business, and all other records whatsoever, for each hundred words, seven cents; for every order on the county treasury, 4 cents;” which

Mr. Davis of Floyd moved to lay upon the table.

The ayes and noes being called for by Messrs. Davis of Floyd and Hodge,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Buell of Dearborn, Buell of Warren, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Farmer, Herriman, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Parks, Pitcher, Read, Ritchey, Sands, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—34.

*Those who voted in the negative are,*

Messrs. Bradley, Burke, Collett, Cornett, Cotton, Henry, Hodge, Morgan, Orth, Reeve, Reyburn, and Sands—12.

So the amendment was laid upon the table.

Mr. Herriman moved the following amendment :

"The Secretary of State shall receive one thousand dollars per year, and perform the duties of Librarian, and shall keep his office in the State House ;" which

Mr. Mitchell moved to lay on the table.

The ayes and noes being demanded by Messrs. Mitchell and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Davis of Daviess, Defrees, Dobson, Duzan, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Pennington, Pitcher, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—28.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Collett, Cotton, Davis of Floyd, Ewing, Farmer, Henry, Herriman, Hodge, Jones, Moore, Morgan, Orth, Reeve, Reyburn, Sands, Stanford, and Todd—20.

So the amendment was laid upon the table.

Mr. Henry moved the following amendment :

"That seventy-five cents be stricken out, and insert one dollar per day for grand and petit jurors' fees ;"

Pending which,

Mr. Ritchey moved a call of the previous question.

Mr. Ewing moved a call of the Senate ;

Which did not prevail.

The previous question being seconded, the question then was, shall the main question be put ?

The ayes and noes being demanded by Messrs. Ritchey and Davis of Daviess,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Henry, Herriman, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—29.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Chapman, Collett, Cotton, Defrees, Ewing, Farmer, Hodge, Jones, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, and Todd—20.

So the question then recurred upon concurring in the report.

The ayes and noes being demanded by Messrs. Shanks and Miller,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Cornett, Dobson, Duzan, Farmer, Henry, Herriman, Hodge, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Parks, Read, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—35.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Burke, Chapman, Collett, Cotton, Defrees, Ewing, Jones, Orth, Pennington, Pitcher, Reeve, and Rayburn—14.

So the report was concurred in.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Ewing moved a call of the Senate ;

Which motion did not prevail.

Mr. Ewing moved the following amendment to the select committee's amendment to bill No. 23 of the Senate :

"That hereafter, the clerks of circuit courts of this State shall semi-annually pay over to the school commissioners of their proper counties all moneys received by them for marriage licences, and all moneys received for certificates of naturalization, for the benefit of the common school fund ;"

Upon the adoption of which,  
The ayes and noes were demanded by Messrs. Ewing and Davis  
of Floyd.

*Those who voted in the affirmative are,*

Messrs. Davis of Floyd, Defrees, Ewing, Farmer, Henry, Mitchell,  
Orth, and Pitcher—8.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Dearborn, Buell  
of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman,  
Collett, Cornett, Cotton, Davis of Daviess, Dobson, Duzan, Hodge,  
Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Moore,  
Parks, Pennington, Read, Reeve, Reyburn, Ritchey, Sands, Shanks,  
Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—39.

So the amendment was not adopted.

Mr. Reyburn offered the following amendment to the 17th section  
of said bill :

“ Provided, that the compensation of any such assistant shall not  
exceed the sum of \$500 per annum ;”

Which was adopted.

Mr. Chapman moved the following amendment :

“ Amend the 5th section by striking out “ three ” before the word  
“ years,” and inserting “ two ;”

Which was adopted.

Mr. Ewing moved the following amendment :

“ That hereafter the sheriffs of the several counties of this state  
shall deduct from the fees and allowances now authorized by law,  
one fourth the amount thereof, in all cases, for services hereafter per-  
formed.”

Upon the adoption of which,

The ayes and noes were demanded by Messrs. Defrees and Ewing.

*Those who voted in the affirmative are,*

Messrs. Cornett, Dobson, Duzan, Ewing, Farmer, Henry, Hodge,  
Kennedy, Orth, Pitcher, Sands, Todd, and Wilber—13.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Dearborn, Buell  
of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman,  
Cotton, Davis of Daviess, Davis of Floyd, Defrees, Herriman, Hoover,  
Hutton, Jones, Leviston, Major, Miller, Mitchell, Moore, Morgan,  
Parks, Pennington, Read, Reeve, Ritchey, Shanks, Sinclear, Stanford,  
Tannehill, and Wood—34.

So the amendment was not adopted.

Mr. Sands offered the following amendment :

" Provided, however, that the expenses of said agent, including clerk hire, shall not exceed six hundred dollars per annum ; " which

Mr. Mitchell moved to lay upon the table.

The ayes and noes being demanded by Messrs. Sands and Mitchell,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—26.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cotton, Davis of Floyd, Farmer, Henry, Hodge, Kennedy, Moore, Morgan, Orth, Pennington, Pitcher, Reyburn, Sands, Stanford, and Todd—19.

So the amendment was laid upon the table.

The question then recurred upon the engrossment of the bill with amendments.

The ayes and noes being demanded by Messrs. Parks and Henry,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Herriman, Hodge, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Parks, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—35.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Chapman, Cotton, Defrees, Farmer, Henry, Jones, Orth, Pennington, Pitcher, and Reyburn—14.

So the bill was engrossed and read a third time.

The question then was,

Shall the bill pass ?

The ayes and noes being demanded by Messrs. Ritchey and Davis of Daviess,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Dearborn, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Farmer, Henry, Herriman,

Hodge, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Parks, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—40.

*Those who voted in the negative are,*

Messrs. Buell of Warren, Chapman, Defrees, Jones, Orth, Pennington, Pitcher, and Reayburn—8.

So the bill was passed.

*Ordered,* That the Secretary inform the House of Representatives of the passage of said bill, and request the concurrence of the House therein.

Mr. Davis of Daviess, from the select committee to whom had been referred bill No. 45, of the House of Representatives, made the following report :

**Mr. PRESIDENT :**

The select committee to which was referred a bill of the House, No 45, entitled, "A bill to reduce the salaries of the Governor and other officers," have had that subject under consideration, and have directed me to report that, as the Senate has a bill of the same purport, they report the same back for the consideration of the Senate, without action ;

Which, on motion, was laid upon the table.

Mr. Pennington, from a select committee, made the following report :

**Mr. PRESIDENT :**

The committee to whom was referred the petition of Hayes M'Callen of Harrison county, praying to have the western addition of the town of Palmyra vacated, report that they have had the same under their consideration, and have directed me to report a bill and recommend its passage.

No. 32. A bill to vacate the western addition of the town of Palmyra, in the county of Harrison ;

Read a first time and passed to a second reading on to-morrow.

Mr. Reeve, from a select committee, submitted the following report :

**Mr. PRESIDENT :**

The select committee to whom was referred the petition of William P. Andrews, praying further time to execute his bond as assessor of the county of Rush, have had the same under consideration, and have directed me to report the following bill and respectfully ask its passage.

No. 33. A bill for the relief of William P. Andrews of the county of Rush ;

Read a first time, and,

On motion of Mr. Reeve,

The rules were dispensed with, and the bill read a second and third times.

The question then being,

Shall the bill pass?

The Senate decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives of the passage of said bill, and request the concurrence of the House therein.

Mr. Ritchey moved to take from the table the resolution of the House of Representatives, proposing to go into the election of Auditor and Treasurer of State;

Which motion prevailed.

Mr. Ritchey moved to amend by striking out "Tuesday" and inserting "Thursday" (to-morrow); which,

On motion of Mr. Ewing,

Was laid on the table.

Mr. Defrees offered the following resolution:

"That the Senate will, the House concurring therein, proceed, on Friday next, at ten o'clock, A. M., to elect President Judges in the judicial circuits, Auditor of Public Accounts, and State Treasurer, to fill the vacancies about to occur in said offices;" which

Mr. Dobson moved to lay upon the table.

The ayes and noes being demanded by Messrs. Dobson and Ewing,

*Those who voted in the affirmative are,*

Messrs. Buell of Dearborn, Buell of Warren, Carr of Lawrence, Chapman, Cornett, Davis of Floyd, Dobson, Ewing, Henry, Hodge, Hoover, Jones, Kennedy, Leviston, Major, Miller, Moore, Morgan, Orth, Parks, Pitcher, Reeve, Reyburn, Stanford, Tannehill, Todd, Wilber and Wood—28.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Bradley, Burke, Carr of Jackson, Collett, Cotton, Defrees, Duzan, Herriman, Hutton, Mitchell, Pennington, Read, Ritchey, Sands, Shanks, and Sinclear—18.

So the resolution was laid upon the table.

Mr. Morgan offered the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, proceed, on Saturday next, at half past ten o'clock, A. M., to the election of Treasurer and Auditor of State.

Mr. Reeve moved to lay the resolution upon the table;

Which motion did not prevail.

Mr. Ritchey moved to amend by striking out "Saturday" and inserting "Thursday";

Which amendment was accepted by the mover.

Mr. Ewing moved to lay the resolution upon the table.



The ayes and noes being demanded by Messrs. Ewing and Cornett,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Dearborn, Burke, Davis of Floyd, Ewing, Hodge, Orth, Reeve, and Reyburn—8.

*Those who voted in the negatives are,*

Messrs. Akin, Alexander, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Collett, Cornett, Davis of Daviess, Dobson, Duzan, Farmer, Henry, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Morgan, Parks, Pennington, Pitcher, Read, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—36.

So the resolution was not laid upon the table.

The question then recurring upon the adoption of the resolution as amended,

The Senate decided in the affirmative.

On motion of Mr. Burke,

*Resolved*, That the Agent of State be respectfully requested to transmit to the Senate, at as early an hour as possible, a complete statement of his current expenses as such, from the time he entered upon the duties of his office, up to the present time.

On motion of Mr. Todd,

*Resolved*, That the judiciary committee be directed to inquire into the expediency of so amending the law on the subject of assessors and their duties, as to require the several assessors throughout the State to enter upon their duties on the 1st of January in each year, instead of the 1st of March, as the law now is.

On motion of Mr. Ritchey,

*Resolved*, That the committee on education be instructed to inquire into the expediency of repealing the 6th section of the 6th chapter, and the 5th section of the 14th chapter of "An act to revise and amend an act incorporating congressional townships and providing for public schools therein," approved Feb. 17th, 1838, approved Feb. 15th, 1841, and so amending the law on that subject, that where any township or district has failed to draw its proportion of the school fund, or to support a school for three months, or drawn their funds to build a school house, they may have their funds loaned out, as is provided for the loaning of other school funds for the use and benefit of such township or district.

On motion of Mr. Parks,

*Resolved*, That the finance committee be instructed to inquire into the expediency of so amending the revenue law as to require the county assessors to give notice, in each township in his county, at what time he will attend at the usual place of holding elections in said township, and to require the citizens to attend at said time and place,

and give in a list of their taxable property ; with leave to report by bill or otherwise.

On motion of Mr. Leviston,

*Resolved*, That the committee on finance be directed to inquire into the expediency of abolishing the office of county auditor in the several counties of this State, and transferring the business of that office back to the clerk of the circuit court ; also, of abolishing the office of county assessor and providing for township assessors ; and also of amending the " Act prescribing the duties of county treasurer," so that said treasurer shall hold his office but two years and not be eligible for a second term in succession ; with leave to report by bill or otherwise.

Mr. Davis of Daviess offered the following resolution :

*Resolved*, That the committee on the state prison be directed to inquire into the expediency of suspending further operations upon the new state prison until times get better ;

Which was not adopted.

Mr. Hoover offered the following resolution :

*Resolved*, That the judiciary committee be instructed to inquire into the constitutionality of a law requiring persons of color to give bond and security on coming into this state ; with leave to report by bill or otherwise.

Mr. Davis of Floyd moved to lay said resolution upon the table.

The ayes and noes being demanded by Messrs. Hoover and Herri-  
man,

*Those who voted in the affirmative are,* -

Messrs. Bradley, Buell of Dearborn, Burke, Cornett, Davis of Floyd, Dobson, Duzan, Farmer, Henry, Major, Miller, Mitchell, Moore, Parks, Pennington, Pitcher, Read, Reeve, Sands, Shanks, Todd, and Wilber—22.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Carr of Jackson, Davis of Daviess, Ewing, Herriman, Hodge, Hoover, Hutton, Kennedy, Leviston, Morgan, Orth, Sinclear, Stanford, Tannehill, and Wood—17.

So the resolution was laid upon the table.

Mr. Mitchell presented,

No. 34. A joint resolution upon the subject of organizing Oregon territory ;

Read a first and second times, (the rules being suspended for that purpose) and,

On motion of Mr. Ewing,

Referred to the committee on federal relations.

Mr. Reyburn introduced,

No. 35. A bill for the relief of settlers on the Wabash and Erie Canal lands ;

Read a first time, and passed to a second reading on to-morrow.

The President laid before the Senate the following report of Samuel Merrill, President of the State Bank of Indiana :

*To the Senate :*

I have received your resolution of the 12th of December, asking for a "a statement showing the number of officers attached to each Branch, the compensation or salaries paid to each, and the number of stockholders therein at this time; also, information relative to any salaried or retained counsel, or other agents or officers of any Branch acting at same time as Directors, and thus rendered judges of their own acts;" and I beg leave to submit the following table showing most of the matters referred to in the resolution:

<i>Branches.</i>	<i>of Pres't.</i>	<i>Salaries</i>			<i>No. of</i>
		<i>of Cashier,</i>	<i>1st Clerk,</i>	<i>2d Clerk,</i>	
Indianapolis,	\$600	\$1200	\$1000		68
Lawrenceburgh,	200	500			41
Richmond,	500	1400	including clerk,		114
Madison,	500	850	500	\$225	49
New Albany,	500	1000	600		96
Evansville,		1000			60
Vincennes,		1000	500		91
Bedford,	100	500	400		68
Terre Haute,	700	1000			58
Lafayette,		880	800	400	159
Fort Wayne,	400	1200	850		71
South Bend,	400	700			65
Michigan City,	700	1200			23

President of State Bank, \$1300—Cashier, \$1100.

The last report of the number of stockholders was made on the first day of July last.

It does not appear from the returns made to this office that a Bank attorney has been elected for any Branch except that at Lafayette. This attorney is also a Director. From what I have seen and heard at the different Branches, I suppose that Directors are occasionally employed as Bank attorneys in the Evansville, Vincennes, and South Bend Branches, but at no fixed salary; though I understand that a part of the salary of the President of the South Bend Branch is for legal services. I am not aware of any Branches, except those named, in which the same man acts as Director and attorney, or other salaried officer or agent. As required by the charter, the names of the officers and the salary of each is set forth in the annual report from the State Bank, which has been in the hands of the public printer since the 5th of December.

Respectfully submitted,

S. MERRILL, Pres't.

State Bank, Dec. 13, 1843.

Which, on motion of Mr. Ewing,  
Was referred to the committee on the State Bank.  
The President also laid before the Senate the following communication from the Auditor of State :

AUDITOR'S OFFICE,  
December 13, 1843.

Hon. JESSE D. BRIGHT :

*President of the Senate :*

SIR: In answer to a resolution of the Senate "instructing the Auditor of State to report to the present General Assembly for their information the amount of the Bank tax that the school fund is entitled to, what amount has been loaned, and what amount is available now; also, whether the stockholders in the several Branches of the State Bank have failed or refused to pay their State tax, as is provided for in the Bank charter, chapter ii, section 15," I have to state that the amount of school tax received from the Sinking fund commissioners up to this date, is,

Of which sum there has been invested by the Treasurer	\$9,321 13
in Bank stock,	792 07

There is now outstanding of loans of Bank tax fund, the sum of,	11,184 17
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There is a balance in the Treasury of this fund, Nov. 1, 1843, as per report of Auditor and Treasurer, amounting to,	1,573 99
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The foregoing is the condition of this fund, so far as this fund has been transferred to the State Treasurer, none of which is available at this time.

There yet remains, however, subject to the action of the present General Assembly, in the office of the Sinking fund commissioners, the sum of \$14,228 64, which sum was set apart prior to October 31, 1843.

In answer to that part of the resolution which relates to the refusal of individual stockholders to pay their State tax, according to the provisions of chapter ii, section 15, of the charter, I have to say, that owing to a difference of opinion between this office and the officers of the several Branches as to the proper construction of the section referred to in the resolution, an agreed case was made between the State and the Branch at Indianapolis, and the construction contended for by this office was sustained by the Supreme Court, upon which the several Branches complied with the decision without further delay. The point of difference was, whether, by the charter, the individual stockholder should pay the same amount of state, county, and road tax which other stock paid, exclusive of the twelve and a half cents on each share, set apart for school purposes, or whether the amount issued should include the school tax.

Respectfully submitted,

M. MORRIS, A. P. A.

Which, on motion of Mr. Stanford,  
Was referred to the committee on education.

No. 14. A bill to provide for summoning grand and petit jurors in Decatur county;

Read a third time and passed.

No. 15. A bill to change the name of George R. Selkregg and others;

Read a third time and passed.

No. 26. A bill relating to the election of Seminary trustees in Daviess county;

Read a third time and passed.

*Ordered*, That the Secretary inform the House of Representatives of the passage of said bills; and request the concurrence of the House therein.

Joint resolution No. 31, relative to the State Bank of Indiana;

Read a third time, and,

On motion of Mr. Ewing,

Referred to the committee on the State Bank, with instructions to investigate, and, if deemed proper, extend the scope of the request therein contained.

On motion,

The Senate adjourned.

## THURSDAY MORNING, DEC. 14, 1843.

The Senate assembled.

Mr. Akin presented the petition of Henry K. Wilson, relative to the location of a State road in Sullivan county; which,

On motion of Mr. Akin,

Was referred to a select committee.

*Ordered*, That Messrs. Akin, Morgan, and Dobson compose said committee.

Mr. Leviston, from the committee on finance, to whom was referred a joint resolution explanatory of an act approved February 2d, 1843, for the relief of J. J. Burton and Joseph Luther, and an act approved February 11th, 1843, for the relief of N. Burchfield, made the following report:

Mr. PRESIDENT:

The committee on finance, to whom was referred a joint resolution explanatory of an act approved February 2d, 1843, for the relief of

J. J. Burton and Joseph Luther, and an act approved February 11th, 1843, for the relief of N. Burchfield, has had the same under consideration, and directed me to report the same back to the Senate with one amendment, to-wit: amend by adding the following proviso:

"Provided, that in case there is not sufficient funds realized out of the said suspended debt now in the hands of said Agent of State to satisfy the same, that he pay on said warrants, *pro rata*, agreeably to the claims of each."

To which amendment the committee ask the concurrence of the Senate, and in that case, recommend the passage of the joint resolution.

Mr. Tannehill moved to recommit the report and joint resolution to the same committee, with instructions to amend the same so as to place the contractors and laborers on the Madison and Indianapolis Railroad on the same footing with those now provided for in said joint resolution, so far as a liquidation of their claims is concerned.

Mr. Wilber moved to amend the instructions as follows:

"That the committee on finance be instructed to report a bill so as to include Joseph H. Hendricks, and all legal claimants, for materials furnished and work and labor done on the Madison and Indianapolis Railroad, previous to letting said road to the Madison and Indianapolis Railroad Company, in the provisions of the act providing for the *pro rata* division of the amount received from the suspended debt, so as to put each claimant upon the same footing;"

Which did not prevail.

Mr. Tannehill withdrew his motion to recommit the said report with instructions.

Mr. Chapman renewed the motion to recommit the report and joint resolution to the committee on finance.

Mr. Dobson called for a division.

The question then being put, the Senate refused to recommit to the said committee; whereupon,

Mr. Chapman moved to commit the report and joint resolution to the committee on the judiciary, with instructions to report what rights the different claimants now have to the moneys arising from the suspended debt;"

Which motion prevailed.

Mr. Herriman, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred a bill to incorporate the Lagrange Phalanx, have had the same under consideration, and directed me to report the same back with the following amendment: Strike from the enacting clause and insert the following, herewith reported:

The report was concurred in.

The following message was received from the House of Representatives by Mr. English, the Principal Clerk thereof:

Mr. President :

I am directed by the House of Representatives to inform the Senate that the House has reciprocated the resolution of the Senate of yesterday to go into the election of Treasurer and Auditor of State, this day, at half past 10 o'clock, A. M. ; also,

The following message was received from the House of Representatives by Mr. Gorman, a member :

Mr. President :

I am directed by the House to inform the Senate that the House has adopted the following resolution :

*Resolved*, That the Senate be informed that the House are now ready to proceed to the election of Auditor and Treasurer of State, and that seats are now provided for them to the right of the Speaker's chair; and that they be invited to attend forthwith.

Whereupon, the Senate proceeded to the Hall of the House of Representatives, for the purpose of electing an Auditor and Treasurer of State, to fill the vacancies about to occur by expiration of the term of office of the present incumbents, and took their seats to the right of the Speaker's chair.

The convention proceeded by ballot to the election of Treasurer, Messrs. Miller and Morgan on the part of the Senate, and Messrs. Coffin and Norvell on the part of the House, acting as tellers.

On counting the votes of the first ballot, it appeared that

George H. Dunn received	-	-	-	-	-	70 votes.
Frederick E. Goodsell	"	-	-	-	-	59 "
Nathan B. Palmer	"	-	-	-	-	5 "
Royal Mayhew	"	-	-	-	-	8 "
James McConnell	"	-	-	-	-	2 "
Blank	-	-	-	-	-	5 "

No one of the candidates having received a majority of all the votes given, the convention proceeded to a second balloting, and upon counting the votes, it appeared that

George H. Dunn received	-	-	-	-	-	72 votes.
Frederick E. Goodsell	"	-	-	-	-	68 "
Royal Mayhew	"	-	-	-	-	6 "
Nathan B. Palmer	"	-	-	-	-	2 "
James McConnell	"	-	-	-	-	1 vote.
Blank	-	-	-	-	-	1 "

No one of the candidates having received a majority of all the votes given, the convention proceeded to a third balloting, and upon counting the votes, it appeared that

George H. Dunn received	-	-	-	-	72 votes.
Frederick E. Goodsell	"	-	-	-	69 "
Royal Mayhew	"	-	-	-	5 "
Nathan B. Palmer	"	-	-	-	2 "
James McConnell	"	-	-	-	2 "

Neither of the candidates having obtained a majority of all the votes given, the convention proceeded to a fourth balloting, and upon counting the votes, it appeared that

George H. Dunn received	-	-	-	-	71 votes.
Frederick E. Goodsell	"	-	-	-	68 "
Nathan B. Palmer	"	-	-	-	5 "
Royal Mayhew	"	-	-	-	5 "
James McConnell	"	-	-	-	1 vote,

Neither of the candidates having obtained a majority of all the votes given, the President of the Senate proclaimed the convention adjourned till half past two o'clock, P. M.

The Senate then returned to their chamber, and,

On motion, adjourned.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Reeve, from the committee on enrolled bills, made the following report :

Mr. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed bill of the Senate, viz :

No. 23. An act to reduce the salaries of Governor of State and other officers ;

And find the same correctly enrolled.

And thereupon, the President signed said bill.

*Ordered,* That the Secretary convey the bill to the House of Representatives for the signature of the Speaker thereof.

Mr. Reeve, from the committee on enrolled bills, submitted the following report :

Mr. PRESIDENT :

The committee on enrolled bills have presented to His Excellency the Governor, for his approval, the following enrolled bill of the Senate, viz :

No. 23. An act to reduce the salaries of Governor of State and other officers.



The following message was received from the House by Mr. English, Principal Clerk :

Mr. President :

I have been directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, without amendment, to-wit :

No. 23. An act to reduce the salaries of Governor of State and other officers.

Mr. Henry moved to recommit bill

No. 10. A bill to incorporate the Lagrange Phalanx,

To the judiciary committee.

Mr. Herriman moved to instruct said committee as follows :

" That the said committee be instructed to engraft a provision upon said bill making the members of said Phalanx individually liable for all debts from said Phalanx. "

Mr. Todd moved to amend the instructions as follows :

" That the judiciary committee be directed to inquire whether there is any thing in the provisions of said bill that may conflict with the proper object of our civil and political institutions, and report such a bill as will not conflict with the best interests of the State, and will effectuate all the proper objects of the institution ; "

Which amendment did not prevail.

The question recurring upon the instructions offered by Mr. Herriman,

The Senate decided in the negative.

The question being propounded,

Will the Senate commit the bill to the judiciary committee ?

It was decided in the negative.

Mr. Ritchey moved to amend the bill by inserting the following section :

" The members, in case of the failure of the Phalanx to meet its liabilities, shall be severally liable for the same to the amount of the shares by them respectively owned in the stock of said Phalanx ; "

Which amendment prevailed.

Mr. Miller, from a select committee, submitted the following report :

Mr. President :

The select committee to whom was referred the petition of Peter S. Miller, have had the same under consideration, and directed me to report the following bill, and recommend its passage :

No. 36. A bill to dissolve the marriage contract between Peter S. Miller and Elizabeth, his wife.

The bill having been read the first time,

Mr. Ewing moved to reject the same ;

Pending which,

The hour having arrived to which the President of the Senate adjourned the convention, the Senate repaired to the Hall of the House of Representatives, and took their seats to the right of the Speaker's chair.

The convention then proceeded to a fifth balloting for Treasurer of State, upon counting the votes of which, it appeared that

George H. Dunn received	-	-	-	-	-	70 votes.
Frederick E. Goodsell	"	-	-	-	-	62 "
Royal Mayhew	"	-	-	-	-	7 "
Nathan B. Palmer	"	-	-	-	-	6 "
James McConnell	"	-	-	-	-	5 "

Neither of the candidates having received a majority of all the votes given, the convention proceeded to a sixth balloting, and upon counting the votes thereof, it appeared that

George H. Dunn received	-	-	-	-	-	70 votes.
Frederick E. Goodsell	"	-	-	-	-	63 "
Royal Mayhew	"	-	-	-	-	10 "
Nathan B. Palmer	"	-	-	-	-	5 "
James McConnell	"	-	-	-	-	2 "

No one of the candidates having obtained a majority of all the votes given, the convention proceeded to a seventh balloting, upon counting the votes of which, it appeared that

George H. Dunn received	-	-	-	-	-	68 votes.
Frederick E. Goodsell	"	-	-	-	-	58 "
Royal Mayhew,	"	-	-	-	-	12 "
Nathan B. Palmer	"	-	-	-	-	9 "
James McConnell	"	-	-	-	-	3 "

Neither of the candidates having obtained a majority of all the votes given, the convention proceeded to an eighth balloting, upon counting the votes of which, it appeared that

George H. Dunn received	-	-	-	-	-	70 votes.
Frederick E. Goodsell	"	-	-	-	-	54 "
Royal Mayhew	"	-	-	-	-	11 "
Nathan B. Palmer	"	-	-	-	-	11 "
James McConnell	"	-	-	-	-	3 "
James P. Drake	"	-	-	-	-	1 vote.

No one of the candidates having received a majority of all the votes given, the convention proceeded to a ninth balloting, upon counting the votes of which, it appeared that

George H. Dunn received	-	-	-	-	-	71 votes.
Frederick E. Goodsell	"	-	-	-	-	49 "
Royal Mayhew	"	-	-	-	-	7 "
Nathan B. Palmer	"	-	-	-	-	13 "
James McConnell	"	-	-	-	-	2 "
James P. Drake	"	-	-	-	-	4 "
J. W. Parker	"	-	-	-	-	2 "
Scattering	-	-	-	-	-	1 "

Neither of the candidates having obtained a majority of all the votes given, the President of the Senate adjourned the convention till 10 o'clock to-morrow morning.

The Senate then returned to their chamber, and,

On motion, adjourned.

## FRIDAY MORNING, DEC. 15TH, 1843.

The Senate assembled.

Mr. Herriman presented the memorial of the county commissioners of Lagrange county, praying the passage of a law ordering the sale of the court house, public square, jail, and jail lot, in the town of Lima in said county, to enable them to build a jail and some other public buildings, at the centre where the court house now stands ; which,

On motion of Mr. Herriman,

Was referred to a select committee.

*Ordered*, That Messrs. Herriman, Sinclear, and Mitchell constitute said committee.

Mr. Buell of Dearborn introduced the petition of the treasurer of the county of Dearborn, praying for the passage of a law extending the time for making settlement with the county auditor to the second Monday of February, 1844 ; which was,

On motion of Mr. Buell,

Referred to the committee on the judiciary.

Mr. Miller moved to take from the table the petition of the president and trustees of Vincennes University, and refer the same to the committee on the judiciary ;

Which motion prevailed.

Mr. Cotton presented the petition of the county commissioners of Perry county, praying the passage of an act to enjoin upon the clerk of the circuit court the performance of the duties now performed by the county auditor ; and in case of the failure of said clerk to act in compliance with the law, to grant them authority to appoint an auditor pro tem. ; which,

On motion of Mr. Cotton,

Was referred to the same committee to whom had been previously referred a petition upon the same subject.

Mr. Hodge, from the select committee to whom was referred the petition of John Graham and others, extending the provisions of an act therein named, submitted the following report :

**Mr. PRESIDENT :**

The committee to whom was referred the petition of John Graham and others, praying for the repeal of an act approved January 29th, 1842, extending the provisions of an act therein named to Delaware county, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage.

No. 37. A bill to repeal an act therein named ;

Read a first time, and,

On motion of Mr. Hodge,

The rules were suspended, the said bill was read a second time and ordered to be engrossed for a third reading.

On motion of Mr. Buell of Dearborn,

*Resolved*, That the committee on the judiciary, to whom was referred the subject of relief to treasurers or collectors of counties, inquire into the expediency of providing that such relief shall not be granted without the assent of said treasurer or collector's sureties ; also, to provide that treasurers or collectors shall not be entitled to per centage on that part of the road tax worked out.

On motion of Mr. Buell of Dearborn,

*Resolved*, That the President of the State Bank be required to inform the Senate the exact nature and condition of four several sums, each \$61,000 00 ; \$30,000 00 ; \$40,293 41 ; \$39,901 50, placed by the Branches at Madison and Indianapolis in the possession of the Ohio Life and Trust Company, Groosbeck and Co., trustees, Ohio Life Insurance and Trust Company, Cincinnati, and agency Ohio Life Insurance and Trust Company, New York ; whether they are special general deposits or loans made.

The Senate resumed the consideration of Mr. Ewing's motion to reject bill of the Senate No. 36.

The ayes and noes being demanded by Messrs. Dobson and Miller,

*Those who voted in the affirmative are,*

Messrs. Buell of Warren, Carr of Jackson, Carr of Lawrence, Cornett, Defrees, Dobson, Duzan, Farmer, Hutton, Morgan, Orth, Reyburn, Shanks, Stanford, Todd, and Wilber—16.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Dearborn, Burke, Chapman, Collett, Cotton, Davis of Daviess, Davis of Floyd, Henry, Herriman, Hodge, Hoover, Kennedy, Leviston, Major, Milier, Mitchell, Moore, Parks, Pennington, Pitcher, Read, Reeve, Ritchey, Sands, Sinclair, Tannehill, and Wood—30.

So the bill was not rejected, and passed to a second reading.

No. 9. A bill to incorporate the Brothers of St. Joseph ;

Having been read a third time,

Mr. Ritchey moved to recommit it to the committee on corporations with the following instructions :

" To provide that in case of failure, the members of the company shall be held liable for all debts in their individual capacity."

The ayes and noes being demanded by Messrs. Defrees and Carr of Jackson,

*Those who voted in the affirmative are,*

Messrs. Dobson, Duzan, Herriman, Major, Parks, Pennington, Reeve, Ritchey, and Wood—9.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Bradley, Buell of Dearborn, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Collett, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Hoover, Hutton, Leviston, Miller, Mitchell, Moore, Morgan, Orth, Pitcher, Read, Reyburn, Sands, Shanks, Tannehill, Todd, Walpole, and Wilber—36.

So the motion did not prevail.

The question then was,

Shall the bill pass ?

And the Senate decided in the affirmative.

*Ordered*, That the secretary inform the House of Representatives of the passage of said bill, and request the concurrence of the House therein.

The following message was received from His Excellency the Governor :

EXECUTIVE CHAMBER, }  
December 14th, 1843. }

*To the Senate :*

I have this day approved and signed,

No. 23. An act to reduce the salaries of Governor of State and other officers ;

Which originated in the Senate.

JAS. WHITCOMB.

The hour having arrived to which the President of the Senate adjourned the Convention, the Senate repaired to the Hall of the House of Representatives, and took their seats to the right of the Speaker's chair. The Convention then proceeded to a tenth ballot for Treasurer of State ; upon counting the votes of which, it appeared that,

George H. Dunn	received	-	-	-	-	70 votes.
Frederick E. Goodsell	"	-	-	-	-	19 "
Royal Mayhew	"	-	-	-	-	9 "
Nathan B. Palmer	"	-	-	-	-	27 "
James McConnell	"	-	-	-	-	1 vote.
William Berry	"	-	-	-	-	12 votes.
James P. Drake	"	-	-	-	-	8 "
Thomas M. Smith	"	-	-	-	-	1 vote.
Robert Brackenridge	"	-	-	-	-	1 "
T. L. Layman	"	-	-	-	-	1 "

Neither of the candidates having obtained a majority of all the votes cast, the Convention proceeded to an eleventh balloting; upon counting the votes of which it appeared that,

George H. Dunn	received	-	-	-	-	69 votes.
Frederick E. Goodsell	"	-	-	-	-	6 "
Royal Mayhew	"	-	-	-	-	4 "
Nathan B. Palmer	"	-	-	-	-	39 "
William Berry	"	-	-	-	-	12 "
James P. Drake	"	-	-	-	-	4 "
Robert Breckenridge	"	-	-	-	-	5 "
Thomas M. Smith	"	-	-	-	-	8 "
— Robinson	"	-	-	-	-	1 vote.

Neither of the candidates having obtained a majority of all the votes given, the Convention proceeded to a twelfth balloting; upon counting the votes of which, it appeared that,

George H. Dunn	received	-	-	-	-	70 votes.
Frederick E. Goodsell	"	-	-	-	-	6 "
Nathan B. Palmer	"	-	-	-	-	51 "
William Berry	"	-	-	-	-	9 "
Robert Breckenridge	"	-	-	-	-	6 "
Thomas M. Smith	"	-	-	-	-	6 "
Samuel Milroy	"	-	-	-	-	1 vote.

Neither of the candidates having received a majority of all the votes given, the Convention proceeded to a thirteenth balloting; upon counting the votes of which, it appeared that,

George H. Dunn	received	-	-	-	-	70 votes.
Frederick E. Goodsell	"	-	-	-	-	6 "
Nathan B. Palmer	"	-	-	-	-	57 "
Robert Breckenridge	"	-	-	-	-	6 "
Thomas M. Smith	"	-	-	-	-	7 "
Samuel Milroy	"	-	-	-	-	1 vote.
Blank,	-	-	-	-	-	2 votes.

Neither of the candidates having received a majority of all the votes given, the President of the Senate adjourned the Convention until half past two o'clock, P. M.

The Senate then returned to their chamber, and,

On motion, adjourned.

2 o'clock, P. M.

The Senate assembled.

No. 10. A bill to incorporate the Lagrange Phalanx ;  
Was read a third time and passed.

Ordered, That the secretary inform the House of Representatives of the passage of said bill and request the concurrence of the House therein.

No. 24. A bill to locate a state road in Lawrence county ;  
Read a second time and passed to a third reading.

No. 25. A bill in relation to the auditor of Knox county ;  
Being read a second time,

Mr. Chapman moved to amend said bill by inserting at the end of the last clause, " at the expense of said auditor ; "

Which amendment prevailed.

The bill was ordered to be engrossed for a third reading.

On motion of Mr. Ewing,

The rules were suspended and the bill read a third time.

The question then being,

Shall the bill pass ?

The Senate decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives of the passage of said bill, and request the concurrence of the House therein.

No. 27. A bill to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as the same relates to the county of Washington ;

Read a second time.

Mr. Pennington moved to amend said bill by inserting therein the " county of Harrison ; " pending which,

Mr. Ewing moved to refer said bill to the committee on the judiciary, with instructions " to inquire if any change be expedient and proper ; and if any be made, to make the same general ; "

Which motion prevailed.

No. 28. A bill to amend an act entitled, " An act to provide for the reception of certain treasury notes in payment of county revenue and for other purposes ;

Was read a second time, and,

On motion of Mr. Morgan,

Indefinitely postponed.

No. 29. An act to amend an act allowing and regulating the writ of *ad quod damnum*, approved December 20th, 1823, approved January 29th, 1842 ;

Read a second time and ordered to be engrossed for a third reading.

No. 30. A bill for the relief of Mrs. Eliza C. Hoyt ;

Was read a second time.

Mr. Sands moved to refer said bill to the committee on the judiciary;  
Which motion failed.

The question then being,

Shall the bill be engrossed?

The ayes and noes were demanded by Messrs. Morgan and Stanford; whereupon,

Mr. Ewing moved the indefinite postponement of the bill; pending which,

The hour arrived to which the President of the Senate adjourned the Convention; and the Senate repaired to the Hall of the House of Representatives to resume their balloting for Treasurer of State; and took their seats to the right of the Speaker's chair. The Convention then proceeded to a fourteenth balloting: upon counting the votes of which, it appeared that,

George H. Dunn	received	-	-	-	-	-	69 votes.
Nathan B. Palmer	"	-	-	-	-	-	61 "
Frederick E. Goodsell	"	-	-	-	-	-	5 "
Robert Breckenridge	"	-	-	-	-	-	9 "
John Carr	"	-	-	-	-	-	2 "
Thomas M. Smith	"	-	-	-	-	-	1 vote.
William Berry	"	-	-	-	-	-	1 "
Blank,	-	-	-	-	-	-	1 "

Neither of the candidates having obtained a majority of all the votes given, the Convention proceeded to a fifteenth balloting; upon counting the votes of which, it appeared that,

George H. Dunn	received	-	-	-	-	-	70 votes.
Nathan B. Palmer	"	-	-	-	-	-	66 "
Frederick E. Goodsell	"	-	-	-	-	-	7 "
Samuel Milroy	"	-	-	-	-	-	1 vote.
John Carr	"	-	-	-	-	-	1 "
William P. Bryant	"	-	-	-	-	-	1 "
Thomas M. Smith	"	-	-	-	-	-	2 votes.
William Berry	"	-	-	-	-	-	1 vote.

On motion of the candidates having obtained a majority of all the votes given, the Convention proceeded to a sixteenth balloting; upon counting the votes of which, it appeared that,

George H. Dunn	received	-	-	-	-	-	68 votes.
Nathan B. Palmer	"	-	-	-	-	-	69 "
Frederick E. Goodsell	"	-	-	-	-	-	6 "
Thomas M. Smith	"	-	-	-	-	-	1 vote.
William Berry	"	-	-	-	-	-	1 "
Robert Breckenridge	"	-	-	-	-	-	2 votes.
Blank,	-	-	-	-	-	-	1 vote.

Neither of the candidates having received a majority of all the votes given, the Convention proceeded to a seventeenth balloting; upon counting the votes of which, it appeared that,



George H. Dunn received	-	-	-	-	71 votes.
Nathan B. Palmer	"	-	-	-	67 "
Frederick E. Goodsell	"	-	-	-	8 "
Thomas M. Smith	"	-	-	-	1 vote.
Blank,	-	-	-	-	2 votes.

Neither of the candidates having received a majority of all the votes given, the Convention proceeded to an eighteenth balloting; upon counting the votes of which, it appeared that,

George H. Dunn received	-	-	-	-	70 votes.
Nathan B. Palmer	"	-	-	-	67 "
Frederick E. Goodsell	"	-	-	-	10 "
_____ Burton	"	-	-	-	1 vote.
A. C. Pepper	"	-	-	-	1 "

Neither of the candidates having received a majority of all the votes given, the Convention proceeded to a nineteenth balloting; upon counting the votes of which, it appeared that,

George H. Dunn received	-	-	-	-	69 votes.
Nathan B. Palmer	"	-	-	-	68 "
Frederick E. Goodsell	"	-	-	-	10 "
A. C. Pepper	"	-	-	-	2 "

Neither of the candidates having obtained a majority of all the votes given, the Convention proceeded to the twentieth balloting; upon counting the votes of which, it appeared that,

George H. Dunn received	-	-	-	-	69 votes.
Nathan B. Palmer	"	-	-	-	69 "
Frederick E. Goodsell	"	-	-	-	5 "
A. C. Pepper	"	-	-	-	4 "
Blank,	-	-	-	-	2 "

Neither of the candidates having obtained a majority of all the votes given, the President of the Senate declared the Convention adjourned until to-morrow afternoon at half past two o'clock.

The Senate then returned to their chamber, and,

On motion, adjourned.

An act to r  
gent of -

SATURDAY MORNING, DEC. 16, 1843.

The Senate assembled.

The President laid before the Senate the following communication from His Excellency the Governor:

EXECUTIVE CHAMBER, }  
December 15th, 1843. }

TO THE HON. JESSE D. BRIGHT,

*President of the Senate :*

SIR: In compliance with a resolution of the Senate, requesting me "to lay before the Senate a copy of the contract for building a new State Prison at Jeffersonville, together with the plan and specifications of said building; also, the report of the agent appointed by the Executive to superintend the construction of said building, and all other papers necessary and proper for a full and thorough understanding of that subject," I have the honor to transmit herewith, to be laid before the Senate,

1st. A copy of the contract referred to;

2d. A copy of a paper purporting to be the specifications referred to, signed, "Pratt & McDougall;" and,

3d. The report of Mr. Smith as superintendent of the erection of the new State Prison, dated New Albany, November 28th, 1843.

The above are all the papers connected with the subject of the resolution which have reached my hands, or which I have found in my office.

I would respectfully refer, however, for further information connected with the subject in question, to a diagram or "plan of the new penitentiary," and also a diagram of the same as connected with the appurtenant buildings and town of Jeffersonville, both being in the State Library.

I have the honor to be,

Very respectfully,

Your ob't servant,

JAS. WHITCOMB.

Which, with the accompanying documents, were,

On motion of Mr. Carr of Jackson,

Referred to the committee on the state prison.

## REPORT OF MR. SMITH.

NEW ALBANY, DEC. 8, 1843.

*To His Excellency the Governor of the State of Indiana :*

The undersigned, having been appointed Superintendent of the construction of the New Penitentiary now in progress of erection at Jeffersonville, would respectfully submit the following

## REPORT:

On entering upon the duties of my appointment in March last, I found that much of the work had been commenced during the summer of 1842, under the direction of another individual.

This work includes the foundations of the front building, designed for offices, the foundation of the cells, a part of the foundation of the outside prison wall, and the entire foundation of the enclosing wall, as well as the wall itself to the height of twelve feet six inches. These foundations presenting as they do a novelty in the science of prison building, may well deserve a passing notice. They are all of the same general character: the foundations of the enclosing and prison walls are built of loose, unmortered stone, of various dimensions, promiscuously thrown into a trench, dug five feet deep and three feet wide, for their reception. It would be unnecessary to inform you that these foundations have each in their turn been rejected as altogether insufficient to sustain the great weight designed to be placed upon them. Owing to the fact of the commencement and prosecution of the enclosing wall to the height of twelve feet six inches the previous summer, and the additional fact of my not being able to find in the specification, nor in the contract, any thing relative to this part of the work, and from the repeated assurances of the contractor that it was done according to an expressed agreement as to manner and form, and his entire willingness to make good to the State any loss it might sustain from the deficiency of the work, its erection was continued to the height of twenty feet, when he was compelled to stop its progress, and to erect piers against the wall two feet six inches thick, and four feet wide, to prevent its falling to the ground.

A part of this wall having swagged some eight or ten inches from a direct line, it was thought advisable by the undersigned to take down about one hundred and thirty feet of the same, and to rebuild it upon a foundation such as experience, usage, and common sense, should seem to dictate. Accordingly, such instructions were given to the contractor, who utterly disregarded them, and as in the former case, upon his own responsibility directed the wall to be carried some

four feet higher than it then was, and to settle the question of its durability, he has placed against it at different points, and of various lengths, a number of wooden props for its future security.

The swagging of the wall may be attributable to two causes. *1st*, the want of a sufficient foundation; and *second*, the want of sufficient care in commencing the wall upon the foundation as it was laid. For this last omission, no sufficient apology can be given. On one side, the brick work projects beyond the stone foundation, while on the other side of the wall, it recedes some five or six inches from the line of the stone work. I have been thus explicit in reference to these foundations, and to this part of the brick work, in order to prevent any misunderstanding of the question, "under whose direction were they laid?"

A large proportion of the free stone purchased for the cell house during the summer of 1842, is of an inferior quality. Many of them have so far yielded to the action of the atmosphere as to lose nearly all traces of the quarrying tools. A part of them have been *twice rejected* by the undersigned, but are now undergoing the necessary preparation to be used in the building, at the commencement of the next season, by order of the contractor.

Owing to some unnecessary delay in procuring lime stone for the caps and sills of the windows of the guard house, as well as free stone for the coping of the enclosing wall, it was deemed advisable to erect such other buildings (designated in the plan) as would enable the contractor to obviate the necessity of marching the convicts more than once in a day from the old to the new prison. Accordingly, there has been erected under one roof, a building one hundred and ten feet long, and thirty-six feet from front to rear, and two stories high, which has been divided into a dining room of seventy feet, a kitchen of eighteen feet, and a wash and bake house of sixteen feet six inches, by the width of the building. The second story has been divided into rooms of similar dimensions, and are intended for a hospital, stewards' and physicians' rooms.

Within a few feet of this building there has been erected another, twenty-two feet front, and thirty-six feet from front to rear, and fourteen feet high, a part of which has been divided into two stories, and is designed for the storage of provisions, a smoke house, &c.

There are now employed at stone cutting from ten to twelve men, not one of which possessed any knowledge of the business previous to his confinement in prison. I would therefore suggest, in order to facilitate their labors, and to enhance its value to the State, that some man experienced in the business should be employed to give instruction to the men, and to exercise a general supervision over that department.

There has been employed during the last summer at the new prison the average number of twenty-one convicts, and two brick-layers, hired at the rate of twenty-five dollars per month; and the following amount of labor has been accomplished: one million five hundred and ninety thousand bricks laid in the wall; one hundred

and fifty-nine yards of earth excavated; six hundred dollars' worth of carpenter work; eight hundred dollars' worth of stone work, completed from the 6th day of April to the 10th day of November; and to this may be added a large amount of excavation made in grading the lot, a subject which appears to have been entirely overlooked at the commencement of the work.

These convicts have been alternately employed as carpenters and coopers, brick-masons, and mason-tenders, mortar-makers, stone-cutters, and tailors—whether to as much advantage to the State as to the contractors, or whether this course is to be pursued, to the evident detriment of the State's interest, is a matter for Legislative or Executive decision.

The system of tasking convicts beyond their abilities, by men ignorant of the time required to accomplish the work, as well as the amount of labor a man under circumstances of chains and other hinderances is able to perform, so far as it is enforced upon the men employed upon the buildings of the State, ought to be abandoned, as its tendency is not only to encourage a recklessness of character, but a wretchedly loose and careless manner of doing the work which "to make it pass the cowhide" (to use their own term) they soon learn that quantity and not quality is all that is required.

The entire absence of a well regulated system for the control and management of the men, is greatly to be deplored.

From what has fallen under my observation during the past summer, I cannot resist the conclusion; that unless some alteration is made in the law authorizing the erection of the new prison, which will entirely disconnect the contractor from all control of the building, and place it under the direction of some one disinterested in the profits of the labor of the convicts, that when the State shall fancy herself in the possession of buildings permanent and secure, as a reward for her years of toil and her expenditure of thousands, she will reap only *a mass of ruins*.

All of which is respectfully submitted.

I. P. SMITH,  
*Superintendent of the erection of New Penitentiary.*

Mr. Orth, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of reporting a bill providing for the call of a convention to alter and amend the constitution of this State," have had the subject under consideration, and directed me to

## REPORT:

That, in the opinion of the committee, it is inexpedient, at this time, to legislate on the subject matter of the resolution.

The fundamental laws of a government should not be changed for slight or transient causes. Evils, if any exist, should be borne patiently, so long as they are not insupportable, rather than resort to a change that might be fraught with increased detriment to community.

The people, in whom reposes all political power, can at any period of time, decree a change of their fundamental laws; but until some expression from that source evinces on their part an unwillingness longer to submit to our present constitution, we cannot hazard such a recommendation.

Your committee do not believe that the people of Indiana desire any alteration or amendment of the constitution. In pursuance of its provisions, they have, on two different occasions since the organization of our government, spoken on this subject. In the year 1828, returns were received in the office of the Secretary of State from only 10 counties, in which 8,909 votes were given, of which 3,329 were in favor of calling a convention, and 5,580 were against it. Again, in the year 1840, when an unprecedented vote was given throughout the State, returns were received from only 38 counties, (not one half of the counties in the State,) in which 41,823 votes were given on the subject, of which number 7,489 were in favor, and 34,334 against calling a convention to alter and amend the constitution.

In view of these facts, your committee believe that the people are satisfied with their present constitution, and desire no change whatever.

The committee therefore ask to be discharged from the further consideration of the subject.

Upon the question of concurrence in the said report,

The ayes and noes were demanded by Messrs. Herriman and Mitchell, and,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Collett, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Hoover, Hutton, Miller, Moore, Morgan, Orth, Parks, Pennington, Reyburn, Ritchey, Sands, Shanks, Stanford, Todd, and Wilber—26.

*Those who voted in the negative are,*

Messrs. Berry, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Farmer, Henry, Herriman, Hodge, Kennedy, Leviston, Major, Mitchell, Read, Reeve, Sinclear, Tannehill, and Wood—20.

So the report was concurred in, and the committee accordingly discharged.

Mr. Parks, from a majority of the select committee to whom was referred a resolution relative to the abolition of the office of State Librarian, made the following report :

Mr. PRESIDENT :

The select committee to whom was referred a resolution of the Senate, directing them to inquire into the expediency of abolishing the office of State Librarian, and the duties thereof be performed by the Secretary of State, a majority have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

No. 38. A bill to transfer the duties of State Librarian to the Secretary of State, and for other purposes ;

Read a first time and passed to a second reading on Monday.

On motion of Mr. Parks,

*Resolved*, That the committee on finance be instructed to inquire into the expediency of so amending the act to provide for the keeper of the State House and Library, approved February 2d, 1841, which authorizes the expenditure of four hundred dollars annually for the State Library, so that not more than two hundred dollars shall be expended annually for said Library ; with leave to report by bill or otherwise.

Mr. Sinclear introduced,

No. 39. A joint resolution requesting the Governor of Indiana to communicate with the Governor of the State of New York, asking a drawback on salt delivered at any point on the Wabash and Erie canal within the State of Indiana ;

Read a first and second times, (the rules having been dispensed with) and

Mr. Ewing moved to amend by striking from said joint resolution all that follows the words " New York," and inserting :

" Intimating the desire of this General Assembly that our line of canal may be equally favored through its entire extent, and all our citizens equally benefited."

Which amendment was accepted by the mover, and ordered to be engrossed for a third reading.

Leave being granted,

Mr. Dobson offered the following resolution :

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed on Monday next, at half past ten o'clock, to the election of a superintendent on the Wabash and Erie canal ;

Which did not prevail.

Mr. Farmer introduced,

No. 40. An act to legalize the proceedings of the board of commissioners of the county of Monroe at the August session thereof ;

Which was read a first time and passed to a second reading.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

**Mr. PRESIDENT :**

I have been instructed by the House of Representatives to inform the Senate that the House has passed the following joint resolution and bills of the House, to-wit :

No. 2. A joint resolution in relation to refunding the fine imposed upon General Andrew Jackson, and for other purposes ;

No. 7. An act to authorize Sarah Ann Lockwood, a minor, to unite with her husband, Charles U. Lockwood, in the conveyance of real estate ;

No. 9. An act to repeal an act entitled, " An act to authorize the removal of the obstruction to the free passage of the water down Mud creek and the Mill Fork of Eel river in Morgan county," approved February 10th, 1841 ;

No. 10. An act for the relief of Persis Hubbard ;

No. 21. An act legalizing the proceedings of the board of commissioners of the county of Allen at a special session thereof ;

In which the concurrence of the Senate is respectfully requested.

I have also been instructed by the House to inform the Senate that the House has passed, without amendment, the following joint resolution of the Senate, to-wit :

No. 6. A joint resolution in relation to the completion of a harbor at Michigan City ;

Which said bills and joint resolutions of the House were severally read a first time and passed to a second reading.

The following message was received from the House of Representatives by Mr. Vawter, Assistant Clerk thereof :

**Mr. PRESIDENT :**

I have been directed by the House of Representatives to inform the Senate that the House has passed, without amendment, engrossed bill of the Senate,

No. 7. An act authorizing the several courts of Tippecanoe county to be holden in such place as herein specified, during the erection of a new court house in said county.

The following message was also received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

**Mr. PRESIDENT :**

The House has adopted the following resolution :

*Resolved*, That the House will, the Senate concurring therein, proceed to the election of President Judges of the several judicial circuits where vacancies have occurred by the expiration of the term of service of the present incumbents, on Monday next at ten o'clock ;



In which the concurrence of the Senate is respectfully requested ;  
which,

On motion of Mr. Chapman,

Was laid upon the table.

The following communication was received from His Excellency  
the Governor :

EXECUTIVE CHAMBER, }  
December 16th, 1843. }

TO THE HON. JESSE D. BRIGHT,

*President of the Senate :*

SIR : T. Brown Kinder is hereby authorized to bear communications from the Executive to the Senate.

I am, very respectfully,

Your ob't servant,

JAS. WHITCOMB.

Mr. Reeve, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed joint resolution of the Senate, viz. :

No. 6. A joint resolution in relation to the completion of a harbor at Michigan City ;

And find the same correctly enrolled.

The Senate resumed the consideration of

No. 30. A bill for the relief of Mrs. Eliza C. Hoyt.

The question being upon Mr. Ewing's motion to indefinitely postpone,

The ayes and noes were demanded by Messrs. Ewing and Chapman ;  
and

*Those who voted in the affirmative are,*

Messrs. Alexander, Buell of Warren, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Floyd, Dobson, Duzan, Ewing, Farmer, Henry, Hodge, Hutton, Leviston, Major, Moore, Morgan, Orth, Pitcher, Reeve, Reyburn, Sands, Shanks, Stanford, Todd, and Wilber—26.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Bradley, Buell of Dearborn, Chapman, Cotton, Davis of Daviess, Herriman, Hoover, Kennedy, Miller, Parks, Pennington, Read, Ritchey, Sinclear, Tannehill, and Wood—18.

So the bill was indefinitely postponed.

No. 32. A bill to vacate the western addition of the town of Palmyra, in the county of Harrison ;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Chapman, from the committee on the judiciary, submitted the following report :

Mr. PRESIDENT :

I am instructed by the committee on the judiciary, to which was referred " A bill to suspend the sale for taxes of all delinquent lands heretofore mortgaged to any of the trust funds," to report that the committee have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

No. —. A bill in relation to the sale of land and town lots for delinquent taxes.

On motion of Mr. Chapman,

The rules were dispensed with, the bill was read a second and third times and passed.

*Ordered*, That the Secretary of the Senate inform the House of Representatives of the passage of said bill, and request the concurrence of the House therein.

No. 35. A bill for the relief of settlers on the Wabash and Erie canal lands ;

Was read a second time, and,

On motion of Mr. Bradley,

Referred to the committee on canals and internal improvements.

No. 36. A bill to dissolve the marriage contract between Peter S. Miller and Elizabeth his wife ;

Was read a second time, and,

On motion of Mr. Carr of Lawrence,

Laid upon the table.

No. 24. A bill to locate a state road in the county of Lawrence ;

Was read a third time and passed.

No. 29. An act to amend an act allowing and regulating the writ of ad quod damnum, approved December 20th, 1823, approved January 29th, 1842 ;

Was read a third time and passed.

No. 39. A bill to repeal an act therein named ;

Was read a third time and passed.

*Ordered*, That the House of Representatives be advised of the passage of said bills, and the concurrence of the House requested therein.

Mr. Pennington introduced,

No. 41. A bill for the relief of the treasurers of Dearborn, Monroe, and Harrison counties.

The rules were dispensed with, and the said bill read a second time ; whereupon,

Mr. Kennedy moved to amend by inserting "Shelby county;" pending which,

On motion of Mr. Davis of Daviess,

The bill was laid upon the table.

Mr. Buell of Warren moved to reconsider the vote upon the rejection of Mr. Dobson's resolution, proposing to go into the election of a general superintendent of the Wabash and Erie canal ;

Which motion was negatived.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Read introduced,

No. 42. A bill to amend the 7th section of the 11th chapter of the Revised Statutes, passed at the twenty-seventh session of the General Assembly ;

Which was read a first time and passed to a second reading.

Mr. Herriman presented the petition of B. Jones and others, of La-grange county, praying for the passage of an act to authorize the present recorder of said county to transcribe the records thereof; also, to authorize the county board doing county business, to contract with the recorder to re-index all records from record book No. 1 to No. 5, inclusive; which,

On motion of Mr. Herriman,

Was referred to a select committee.

*Ordered*, That Messrs. Herriman, Kennedy, and Sinclear constitute said committee.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

**Mr. President :**

I am instructed to inform the Senate that the Speaker of the House of Representatives has signed the following joint resolution, entitled, No. 6. A joint resolution in relation to the completion of a harbor at Michigan City ;

Which I have been instructed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed said joint resolution.

The following message was received from His Excellency the Governor, by Mr. Kinder, his private secretary :

**Mr. PRESIDENT :**

I am directed by His Excellency the Governor to inform the Senate, that he did, on the 16th instant, approve and sign,

No. 6. A joint resolution in relation to the completion of a harbor at Michigan City.

The following message was received from the House by Mr. English, their Principal Clerk :

**Mr. PRESIDENT :**

I have been directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

No. 89. An act regulating the salary of the county auditor in the county of Fountain ;

No. 100. An act to extend an act entitled 'An act to compel speculators to pay a road tax equal to that paid by actual settlers,' approved January 31st, 1842 ;

In which the concurrence of the Senate is respectfully requested.

No. 89. An act (of the House) regulating the salary of the county auditor in the county of Fountain,

Was read a first time, and,

On motion of Mr. Jones,

The rules were suspended, the bill read a second and third times, and passed.

*Ordered,* That the House of Representatives be informed thereof.

No. 100. An act (of the House) to extend an act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31st, 1842 ;

Read a first time and passed to a second reading on Monday.

Mr. Reeve, from the committee on enrolled bills, made the following report :

**Mr. PRESIDENT :**

The committee on enrolled bills have presented to His Excellency the Governor, for his approval, the following joint resolution of the Senate, viz :

No. 6. A joint resolution in relation to the completion of a harbor at Michigan city.

Mr. Hodge introduced :

No. 43. A bill to amend an act entitled "An act prescribing the duties of county auditor," approved February 12th, 1841 ;

Read a first and second times, the rules having been suspended for that purpose, and ordered to be engrossed for a third reading.

Mr. Herriman introduced :

No. 44. An act to authorize the board of commissioners of La-grange county to sell certain real estate therein named ;

Read a first time and passed to a second reading.

The hour arrived to which the President adjourned the convention, and the Senate repaired to the Hall of the House of Representatives, for the purpose of resuming their balloting for Treasurer of State.

The convention proceeded to the twenty-first balloting for said officer, upon counting the votes of which, it appeared that

Royal Mayhew received	-	-	-	-	-	72 votes.
Thomas M. Smith	"	-	-	-	-	70 "
Frederick E. Goodsell	"	-	-	-	-	1 vote.
Robert Breckenridge	"	-	-	-	-	1 "
Nathan B. Palmer	"	-	-	-	-	1 "
Blank	-	-	-	-	-	4 votes.

Neither of the candidates having obtained a majority of all the votes given, the convention proceeded to a twenty-second balloting, and upon counting the votes, it appeared that

Royal Mayhew received	-	-	-	-	-	83 votes.
Thomas M. Smith	"	-	-	-	-	65 "
George H. Dunn	"	-	-	-	-	1 vote.

Royal Mayhew, having obtained a majority of all the votes given, was by the President declared duly elected for and during the term of three years, from and after the 15th day of February, 1844.

The convention then went into the election of Auditor of State.

Upon counting the votes of the first ballot, it appeared that

John P. Dunn received	-	-	-	-	-	11 votes.
Horatio J. Harris	"	-	-	-	-	52 "
James McConnell	"	-	-	-	-	2 "
Morris Morris	"	-	-	-	-	12 "
John C. Parker	"	-	-	-	-	52 "
Amzi L. Wheeler	"	-	-	-	-	19 "
— Peaslee	"	-	-	-	-	1 vote.
Robert Breckenridge	"	-	-	-	-	1 "
Blank	-	-	-	-	-	1 "

Neither of the candidates having obtained a majority of all the votes given, the convention proceeded to a second balloting, and upon counting the votes, it appeared that

John P. Dunn received	-	-	-	-	-	12 votes.
Horatio J. Harris	"	-	-	-	-	14 "
James McConnell	"	-	-	-	-	3 "
Morris Morris	"	-	-	-	-	53 "
John C. Parker	"	-	-	-	-	34 "
Amzi L. Wheeler	"	-	-	-	-	29 "
Robert Breckenridge	"	-	-	-	-	1 vote.
Royal Mayhew	"	-	-	-	-	1 "
Blank	-	-	-	-	-	1 "

Neither of the candidates having obtained a majority of all the votes given, the convention proceeded to a third balloting, upon counting the votes of which, it appeared that

John P. Dunn received	-	-	-	-	-	8 votes.
Horatio J. Harris	"	-	-	-	-	52 "
James McConnell	"	-	-	-	-	2 "
Morris Morris	"	-	-	-	-	12 "
John C. Parker	"	-	-	-	-	52 "
Amzi L. Wheeler	"	-	-	-	-	19 "
— Peaslee	"	-	-	-	-	1 vote.
Robert Breckenridge	"	-	-	-	-	1 "
Blank	-	-	-	-	-	1 "

Neither of the candidates having obtained a majority of all the votes given, the convention proceeded to a fourth balloting, upon counting the votes of which, it appeared that

John P. Dunn received	-	-	-	-	-	7 votes.
Horatio J. Harris	"	-	-	-	-	64 "
James McConnell	"	-	-	-	-	2 "
Morris Morris	"	-	-	-	-	1 vote.
John C. Parker	"	-	-	-	-	52 votes.
Amzi L. Wheeler	"	-	-	-	-	15 "
Robert Breckenridge	"	-	-	-	-	3 "
— Handy	"	-	-	-	-	1 vote.
— Peaslee	"	-	-	-	-	2 votes.

Neither of the candidates having obtained a majority of all the votes given, the convention proceeded to a fifth balloting, upon counting the votes of which, it appeared that

John P. Dunn received	-	-	-	-	-	7 votes.
Horatio J. Harris	"	-	-	-	-	69 "
Morris Morris	"	-	-	-	-	2 "
John C. Parker	"	-	-	-	-	42 "
Amzi L. Wheeler	"	-	-	-	-	15 "
— Peaslee	"	-	-	-	-	2 "
Robert Breckenridge	"	-	-	-	-	8 "
Blank	-	-	-	-	-	2 "

Neither of the candidates having obtained a majority of all the votes cast, the President declared the convention adjourned until half past two o'clock on Monday afternoon.

The Senate then returned to their chamber, and,  
On motion, adjourned.

MONDAY MORNING, DEC. 18, 1843.

The Senate assembled.

Mr. Morgan moved to take from the table the resolution of the House of Representatives, proposing to go into the election of President Judges to fill the several vacancies about to occur by the expiration of the terms of office of the present incumbents.

The ayes and noes being demanded by Messrs. Chapman and Ewing,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Collett, Cornett, Cotton, Defrees, Duzan, Henry, Herriman, Hodge, Hoover, Hutton, Kennedy, Leviston, Major, Mitchell, Moore, Morgan, Orth, Pennington, Reeve, Reyburn, Sands, Stanford, and Wilber—26.

*Those who voted in the negative are,*

Messrs. Akin, Buell of Dearborn, Chapman, Davis of Daviess, Ewing, Farmer, Jones, Miller, Parks, Pitcher, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—16.

So the resolution of the House was taken from the table.

Mr. Read moved to amend the resolution by striking out 'Monday' and inserting 'Tuesday ;'

Pending which,

Mr. Pennington moved to lay the resolution and amendment upon the table.

The ayes and noes being demanded by Messrs. Chapman and Read,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Ewing, Farmer, Herriman, Jones, Kennedy, Major, Miller, Mitchell, Parks, Pennington, Pitcher, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—28.

*Those who voted in the negative are,*

Messrs. Bradley, Burke, Collett, Cornett, Cotton, Davis of Floyd, Defrees, Henry, Hodge, Hoover, Hutton, Leviston, Moore, Morgan, Orth, Reeve, Reyburn, Sands, and Stanford—19.

So the resolution and amendment were laid upon the table.

Mr. Orth presented five petitions, from sundry citizens of Tippecanoe and Clinton counties, praying for the incorporation of a turn-pike road company ; which,

On motion of Mr. Orth,

Were referred to a select committee to whom had been previously referred a petition upon the same subject, and Messrs. Hodge and Wood were added to said committee.

Mr. Akin presented the petition of Elijah Milew and other citizens of Sullivan county, praying for the appointment of commissioners to locate a certain State road in said county ; which,

On motion of Mr. Stanford,

Was referred to the committee on roads.

Mr. Dobson presented the communication of Joel Sixson and Jacob Young, in regard to granting the privilege to certain counties of sending more than two pupils to the Bloomington college, when other counties failed to send the number allowed by law ; which,

On motion of Mr. Dobson,

Was referred to the committee on education.

Mr. Ritchey presented the petition of David H. Williams and other citizens of Floyd county, praying for a law to obviate frauds upon the elective franchise, prevent the hiring or procuring of voters from other counties, to require the inspectors of elections to put an oath to persons not known to them to possess the requisites of a legal voter, and to oblige the inhabitants of said county to vote in the respective townships in which they live ; and moved its reference to the committee on elections.

Mr. Pennington moved to lay said petition upon the table.

The ayes and noes being demanded by Messrs. Herriman and Walpole,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Collett, Cornett, Cotton, Defrees, Dobson, Ewing, Farmer, Henry, Hodge, Miller, Moore, Morgan, Orth, Pennington, Reeve, Reyburn, Sands, Stanford, Walpole, and Wilber—24.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Davis of Floyd, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Mitchell, Parks, Pitcher, Read, Ritchey, Shanks, Sinclear, Tannehill, Todd, and Wood—25.

So the petition was not laid upon the table.

The question then recurring upon the reference of the petition to the committee on elections, and

The ayes and noes being demanded by Messrs. Ritchey and Herriman,



*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Farmer, Henry, Herriman, Hodge, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Orth, Parks, Pitcher, Read, Reyburn, Ritchey, Shanks, Sinclear, Tannehill, Todd, Wilber, and Wood—41.

*Those who voted in the negative are,*

Messrs. Defrees, Morgan, Pennington, Reeve, Sands, Stanford, and Walpole—7.

Therefore, the petition was so referred.

Mr. Walpole offered the following resolution of instructions :

*Resolved,* That said committee be instructed to inquire into the truth of so much of the charge in the petition as charges that negroes were permitted to vote at the last annual election in the county of Floyd, and that they report the evidence adduced in support of said charge, and the witness or witnesses that avers the same ; and that they report at what polls said negro votes were received, and the politics of the respective inspectors and judges of the election at which said negro votes were received, and for whom said votes were rendered ; that the chairman of the committee on elections be instructed to inform Thomas L. Smith, the bearer of said petition, and at whose instance the same was presented to the Senate, that he have leave to appear before the committee on elections, and by evidence of witnesses to make good the charges in said petition ; and that the Hon. John S. Davis may appear before said committee, and cross-examine any and all witnesses that may be introduced by said Smith, and that he have leave to send for witnesses, and that they be compelled to attend as such to disprove any and all charges that said Smith may attempt to support.

Mr. Defrees offered the following amendment to the instructions :

“ And to report whether the said John S. Davis holds his seat in this Senate by hired and illegal votes, imported into the county of Floyd for the purpose of securing his election ; ”

Which amendment was accepted by the mover.

Mr. Herriman called a division of the question ;

Pending which,

On motion of Mr. Pennington,  
The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Chapman, from the committee on the judiciary, submitted the following report :

Mr. PRESIDENT :

The judiciary committee, to whom was referred bill of the House No 46, "A bill for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire," have had that subject under consideration, and have directed me to report the same back to the Senate, and recommend its passage ;

Which report was concurred in by the Senate.

No. 46. A bill (of the House) for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire ;

Was read a first time, whereupon,

Mr. Mitchell moved to recommit said bill, with instructions to amend as follows :

"Strike out the name of M. W. Seely, and insert in lieu thereof the President Judge of the circuit court, and the probate judge of Miami county ; the former to act as commissioner in the proof of the records of the circuit court and records of the recorder's office, the latter to act as commissioner in reinstating the records of the probate court ;

Pending which,

The hour having arrived to which the President of the Senate adjourned the convention, the Senate repaired to the Representatives' Hall, for the purpose of resuming their balloting for Auditor of State.

The convention then proceeded to a sixth balloting, upon counting the votes of which, it appeared that

John P. Dunn received	-	-	-	-	-	15 votes.
Horatio J. Harris	"	-	-	-	-	67 "
John C. Parker	"	-	-	-	-	38 "
Amzi L. Wheeler	"	-	-	-	-	14 "
Charles H. Test	"	-	-	-	-	3 "
George H. Dunn	"	-	-	-	-	1 vote.
Robert Breckenridge	"	-	-	-	-	6 votes.
Morris Morris	"	-	-	-	-	2 "
Scattering	-	-	-	-	-	1 vote.

Neither of the candidates having obtained a majority of all the votes cast, the convention proceeded to a seventh balloting, upon counting the votes of which, it appeared that

John P. Dunn received	-	-	-	-	-	14 votes.
Horatio J. Harris	"	-	-	-	-	66 "
John C. Parker	"	-	-	-	-	38 "
Amzi L. Wheeler	"	-	-	-	-	5 "
Morris Morris	"	-	-	-	-	14 "
Charles H. Test	"	-	-	-	-	3 "
William W. Wick	"	-	-	-	-	1 vote.
— Jenison	"	-	-	-	-	1 "
Robert Breckenridge	"	-	-	-	-	4 votes.
Blank	-	-	-	-	-	2 "

Neither of the candidates having obtained a majority of all the votes cast, the convention proceeded to an eighth balloting, upon counting the votes of which, it appeared that

John P. Dunn received	-	-	-	-	-	13 votes.
Horatio J. Harris	"	-	-	-	-	66 "
John C. Parker	"	-	-	-	-	40 "
Morris Morris	"	-	-	-	-	18 "
Charles H. Test	"	-	-	-	-	1 vote.
Robert Breckenridge	"	-	-	-	-	4 votes.
— Bullock	"	-	-	-	-	1 vote.
Blank	-	-	-	-	-	4 votes.

Neither of the candidates having obtained a majority of all the votes cast, the convention proceeded to a ninth balloting, upon counting the votes of which, it appeared that

John P. Dunn received	-	-	-	-	-	18 votes.
Horatio J. Harris	"	-	-	-	-	71 "
John C. Parker	"	-	-	-	-	40 "
Morris Morris	"	-	-	-	-	11 "
Charles H. Test	"	-	-	-	-	1 vote.
Robert Breckenridge	"	-	-	-	-	2 votes.
James P. Drake	"	-	-	-	-	1 vote.
Blank	-	-	-	-	-	2 votes.
Scattering	-	-	-	-	-	1 vote.

Neither of the candidates having obtained a majority of all the votes cast, the convention proceeded to a tenth balloting, upon counting the votes of which, it appeared that

John P. Dunn received	-	-	-	-	-	21 votes.
Horatio J. Harris	"	-	-	-	-	79 "
John C. Parker	"	-	-	-	-	28 "
Morris Morris	"	-	-	-	-	7 "
Robert Breckenridge	"	-	-	-	-	1 vote.
George H. Dunn	"	-	-	-	-	5 votes.
Parson Miller	"	-	-	-	-	1 vote.
Fred'k E. Goodsell	"	-	-	-	-	1 "
— Smith	"	-	-	-	-	1 "
Blank	-	-	-	-	-	2 votes.

Horatio J. Harris, having received a majority of all the votes given, the President of the convention declared him duly elected for and during the term of three years from and after the 24th day of January, A. D., 1844, and until his successor be duly elected and qualified.

The President then declared the convention adjourned *sine die*.

The Senate returned to their chamber, and,

On motion, adjourned.

## TUESDAY MORNING, DEC. 19TH, 1843.

The Senate assembled.

Mr. Davis of Daviess offered the following resolution :

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed this day at half past two o'clock, P. M., to the election of President Judges of the several judicial circuits where vacancies have occurred by the expiration of the term of service of the present incumbents.

Mr. Bradley moved to amend by striking out "two o'clock, P. M.," and inserting "ten o'clock, A. M."

The resolution and amendment were adopted.

*Ordered*, That the House of Representatives be informed of the adoption of said resolution, and their concurrence therein be requested.

On motion of Mr. Davis of Floyd,

The vote upon the reference of the petition of David H. Williams and other citizens of Floyd county, was reconsidered ; and

On his further motion,

The said petition and pending instructions were laid upon the table.

Mr. Ewing presented the petition of John Sampson and other citizens of Knox county, praying for means to improve the Wabash river, from the remaining sum unexpended of the donation to construct the canal east of Lafayette ; which,

On his motion, was laid upon the table.

Leave being granted, Mr. Ewing introduced,

No. 45. A bill to provide for the improvement of the rapids of the Wabash river ;

Read a first time, and with said petition taken from the table, was passed to a second reading.

Mr. Pitcher, from the committee on the judiciary, made the following report :

**Mr. PRESIDENT :**

The judiciary committee, to whom was referred the resolution of the Senate, instructing the committee to inquire into the expediency of so amending the valuation law as to give the people of the State of Indiana the same facilities for the collection of debts as are now enjoyed by the Banks of the State, have had the same under consideration, and have instructed me to report the following bill.

No. 46. A bill to extend the provisions of an act entitled, "An act to require the Bank to continue specie payments, and to enable it to maintain them," approved February 13th, 1843;

Which was read a first time and passed to a second reading.

Mr. Cornett, from the committee on education, submitted the following report :

**Mr. PRESIDENT :**

The committee on education, to which was referred so much of the message of His Excellency the Governor as relates to the education of the deaf and dumb in this State, have had that matter under consideration, and after due deliberation, directed me to report the following bill and recommend its passage.

No. 47. A bill to provide for the education of the deaf and dumb in this State ;

Which was read a first time and passed to a second reading.

Mr. Carr of Lawrence, from the committee on education, made the following report :

**Mr. PRESIDENT :**

The committee on education, to which was referred the memorial of Dr. James Matthews, on the subject of a lunatic asylum, have had the same under consideration, and directed me to report, that although your committee are deeply sensible of the necessity of such an institution, and duly appreciate its value in ameliorating the condition of one of the most unfortunate classes of our race ; yet, when we consider the vast amount of indebtedness, both individual and state, that the people are already taxed to the full extent that they are able to bear, and that the establishing such an institution must be at a very considerable expense, have come to the conclusion, that under the circumstances it would be inexpedient to legislate upon that subject at present, and ask to be discharged from the further consideration of the same ;

Which was not concurred in.

Mr. Buell of Warren moved to recommit the communication of Dr. James Matthews to the committee on education, with instructions,

"To report the probable expense of an asylum, the time it will take to complete it, and all other matters thereto appertaining ;"

Which prevailed.

Mr. Stanford, from the committee on education, submitted the following report :

**Mr. PRESIDENT :**

The committee on education, to which a petition of sundry citizens of Grant county was referred, praying that the board of county commissioners of said county be constituted the board of library trustees for said county, have directed me to report a bill in accordance with the prayers of the petitioners, in part.

No. 48. A bill to constitute the county commissioners of Grant county library trustees ;

Read a first and second times, (the rules being dispensed with) and,

On motion of Mr. Chapman,

The bill was recommitted to the committee on the judiciary, with instructions "to inquire into the expediency of making the same general in its provisions."

Mr. Pitcher, from a majority of the select committee to whom had been referred (No. 16) a bill to organize a new county out of the county of Dearborn, and relocate the county seat thereof, submitted the following report :

**Mr. PRESIDENT :**

The committee to whom was referred a bill to divide the county of Dearborn and relocate the county seat thereof, have had the same under consideration, and a majority have directed me to report the same back and recommend its passage.

No. 16. A bill to organize a new county out of the county of Dearborn and relocate the county seat thereof ;

On motion of Mr. Pitcher,

Was laid upon the table.

Mr. Chapman, from the committee on the judiciary, submitted the following report :

**Mr. PRESIDENT :**

The judiciary committee, to which was referred a bill of the Senate No. 19, entitled, "A bill extending the jurisdiction of justices of the peace," have had that subject under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

No. 19. A bill extending the jurisdiction of justices of the peace ;

Read a second time and ordered to be engrossed for a third reading.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

**Mr. President :**

I have been instructed by the House of Representatives to inform the Senate that the House has reciprocated the resolution of the Senate, providing for the election of President Judges of the several judicial circuits (where vacancies have occurred by the expiration of the term of service of the present incumbents) on this day at half past ten o'clock, A. M.

On motion of Mr. Ritchey,

*Resolved*, That the committee on elections be directed to inquire into the expediency of so amending the law regulating general elections, that where any election shall be contested hereafter, thirty days shall be allowed to procure testimony, &c., instead of ten days as is now prescribed by law.

Mr. Parks offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to examine into the propriety of so amending the probate law as that there shall be probate circuits, and that the probate judges shall be men of legal learning, and that said probate circuit judges shall have the same allowance out of the State Treasury that is now allowed to the several probate judges for their services, and a small per centage in addition, to be paid out of the estates of the decedents that may be settled ; also, on commissions and other sales ordered by the court ; with leave to report by bill or otherwise.

Mr. Ewing offered the following amendment :

Insert after the words " probate circuit judges shall : " " be elected by the qualified voters of the proper circuits, and shall ; "

Which was accepted by the mover, and

The resolution, as amended, was adopted.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

**Mr. President :**

I have been instructed by the House to inform the Senate that the House has adopted the following resolution :

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives instantler, for the purpose of proceeding to the election of Judges of the several judicial circuits where vacancies have occurred, and that seats be provided for them on the right of the Speaker's chair.

Messrs. Mooney and Conner are appointed tellers on the part of the House.

Messrs. Carr of Jackson and Orth were appointed tellers on the part of the Senate.

The Senate then repaired to the Hall of the House of Representatives, and proceeded to the election of a Judge to fill the vacancy occa-

sioned by the expiration of the term of office of the present incumbent in the ninth judicial circuit; upon counting the votes of the first ballot, it appeared that,

John B. Niles received	-	-	-	-	-	71 votes.
Ebenezer M. Chamberlain received	-	-	-	-	-	75 "
Blank,	-	-	-	-	-	1 vote.

Ebenezer M. Chamberlain having obtained a majority of all the votes given, the President declared him duly elected for the term of seven years from and after this day.

The Convention then proceeded to the election of a Judge to fill the vacancy occasioned by the expiration of the term of office of the present incumbent in the seventh judicial circuit; upon counting the votes of the first ballot, it appeared that,

Delana R. Eckles received	-	-	-	-	-	61 votes.
Amory Kinney	"	-	-	-	-	5 "
John Law	"	-	-	-	-	75 "
McKinney	"	-	-	-	-	3 "
Blank,	-	-	-	-	-	3 "

John Law having obtained a majority of all the votes given, the President declared him duly elected for and during the term of seven years from and after the 25th day of January, A. D. 1844.

The Convention then proceeded to the election of a Judge to fill the vacancy occasioned by the expiration of the term of office of the present incumbent in the sixth judicial circuit; upon counting the votes of the first ballot, it appeared that,

Andrew Davidson received	-	-	-	-	-	24 votes
Jehu T. Elliot	"	-	-	-	-	83 "
Samuel E. Perkins	"	-	-	-	-	36 "
Blank,	-	-	-	-	-	3 "

Jehu T. Elliott having obtained a majority of all the votes given, the President declared him duly elected for and during the term of seven years from and after the 23d day of January, A. D. 1844.

The President adjourned the Convention *sine die*; whereupon, The Senate returned to their Chamber, and,  
On motion, adjourned.



2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Hutton,

*Resolved*, That the committee on the State Bank be instructed to take into consideration the expediency of so amending the 22d section of an act entitled, "An act establishing a State Bank," approved January 28th, 1834, that at the expiration of ten years from her charter no note shall be issued of a less denomination than ten dollars; and report by bill or otherwise.

Mr. Parks offered the following resolution :

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed at half past two o'clock on to-morrow, to elect a President of the State Bank ;

Which was not adopted.

Mr. Burke introduced,

No. 49. A joint resolution in relation to an appropriation on the National road in Indiana ;

Which was read a first time and passed to a second reading.

Mr. Ritchey introduced,

No. 50. A joint resolution in relation to the election of officers elected by the General Assembly ;

Which was read a first time ; whereupon,

Mr. Ritchey moved to suspend the rules for a second reading of the joint resolution.

The ayes and noes being demanded by Messrs. Ritchey and Herri-man,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—23.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Collett, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Orth, Pennington, Reeve, Reyburn, Sands, Stanford, and Todd—22.

So the rules were not suspended.

*Ordered*, That the bill pass to a second reading.

On motion of Mr. Pennington,

No. 41. A bill for the relief of the treasurers of Dearborn, Monroe, and Harrison counties,

Was taken from the table.

Mr. Read moved that the Senate now go into a committee of the whole and take into consideration said bill ; whereupon,

The Senate resolved themselves into such committee, and after spending some time in the consideration of the bill, arose and reported sundry amendments thereto, and requested the concurrence of the Senate therein.

On motion of Mr. Chapman,

Said bill and amendments were referred to a committee of five of its friends.

*Ordered*, That Messrs. Pennington, Ewing, Stanford, Wood, and Orth constitute said committee.

Leave being granted,

Mr. Mitchell presented the petition of sundry citizens of the county of Kosciusko, praying for the passage of an act to remove the location of the seat of justice of said county ; which was,

On motion of Mr. Mitchell,

Referred to a select committee.

*Ordered*, That Messrs. Mitchell, Herriman, and Sinclear constitute said committee.

Leave being granted,

Mr. Davis of Floyd, from the committee on corporations, submitted the following report :

**Mr. PRESIDENT :**

The committee on corporations, to which was referred bill of the Senate No. 5, entitled, " A bill to incorporate the University of *Notre Dame du Lac*, at South Bend in St. Joseph county, have had the same under consideration, and have instructed me to report the same back, together with the following amendments, in which the concurrence of the Senate is requested. Strike out the words ' ten years ' and insert ' five years, ' in the second section ; and add at the end of the bill the following : ' At the expense of said corporation. '

No. 5. A bill to incorporate the University of *Notre Dame du Lac* at South Bend in St. Joseph county.

Mr. Herriman moved to amend by striking out from said bill the words ' five years ; '

Which motion did not prevail.

The report was then concurred in and the bill ordered to be engrossed for a third reading.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

**Mr. PRESIDENT :**

The Speaker of the House of Representatives has signed the following enrolled bill, entitled,

No. 89. An act regulating the salary of the county auditor of Fountain county ;

Which I have been directed to bring to the Senate for the signature of the President thereof.

And thereupon, the President signed said act.

Mr. Reeve, from the committee on enrolled bills, made the following report :

Mr. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed bill of the Senate, viz. :

No. 7. An act authorizing the several courts of Tippecanoe county to be holden in such place as herein specified, during the erection of a new court house in said county ;

And find the same correctly enrolled.

Mr. Pennington moved to reconsider the vote upon the rejection of the resolution proposing to go into the election of a general superintendent on the Wabash and Erie canal ;

Which motion prevailed.

Mr. Buell of Warren moved to strike out Monday and insert Wednesday.

Mr. Herriman called for a division of the question upon striking out.

The ayes and noes being demanded by Messrs. Chapman and Herriman,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Collett, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Henry, Hodge, Jones, Moore, Morgan, Orth, Pennington, Pitcher, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, Walpole, and Wilber—31.

*Those who voted in the negative are,*

Messrs. Akin, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Herriman, Hoover, Hutton, Kennedy, Leviston, Major, Parks, Sinclear, and Wood—15.

So 'Monday' was stricken out.

Mr. Chapman moved to insert 'Saturday.'

The ayes and noes being demanded by Messrs. Chapman and Walpole,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Herriman, Hoover, Hutton, Leviston, Parks, Ritchey, Sinclear, and Wood—15.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Collett, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Henry, Hodge, Jones, Kennedy, Major, Mitchell, Moore, Morgan, Orth, Pennington, Pitcher, Read, Reeve, Reyburn, Sands, Shanks, Stanford, Tannehill, Todd, Walpole, and Wilber—33.

So the motion to insert 'Saturday' did not prevail.

The question then recurring upon the adoption of Mr. Buell's (of Warren) amendment to insert 'Wednesday';

The ayes and noes being demanded by Messrs. Chapman and Buell of Warren,

*Those who voted in the affirmative are,*

Messrs. Alexander, Berry, Bradley, Buell of Warren, Burke, Collett, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Henry, Hodge, Jones, Mitchell, Moore, Morgan, Orth, Pennington, Pitcher, Read, Reeve, Reyburn, Sands, Shanks, Stanford, Tannehill, Todd, Walpole, and Wilber—31.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Herriman, Hoover, Hutton, Kennedy, Leviston, Major, Parks, Ritchey, Sinclear, and Wood—17.

So Mr. Buell's amendment prevailed, and the resolution was adopted.

*Ordered,* That the secretary inform the House of Representatives of the adoption of said resolution, and request the concurrence of the House therein.

No. 46. A bill (of the House) for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire;

Was read a second time; whereupon,

Mr. Mitchell moved to lay the same upon the table.

Pending which,

Mr. Defrees moved a call of the Senate;

Which was negatived;

And thereupon,

On motion of Mr. Pitcher,

The Senate adjourned.

WEDNESDAY MORNING, DEC. 20, 1843.

The Senate assembled.

On motion of Mr. Chapman,  
A call of the Senate was ordered, and the absentees sent for.  
After some minutes,

On motion of Mr. Carr of Lawrence,  
A further call was suspended.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

The Speaker of the House of Representatives has signed the following enrolled bill of the Senate, to-wit :

No. 7. An act authorizing the several courts of Tippecanoe county to be holden in such place as herein specified during the erection of a new court house ;

Which I am instructed to bring to the Senate for the signature of the President.

And thereupon, the President signed said bill.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

I have been directed by the House of Representatives to inform the Senate that the House has adopted the following resolution :

*Resolved*, That the House will, the Senate concurring therein, adjourn *sine die* on the 15th day of January next.

In which the concurrence of the Senate is respectfully requested.

Mr. Pitcher moved to amend said resolution by striking out "the 15th day," and inserting the "first Monday in January ;"

Pending which,

Mr. Chapman moved to lay the resolution upon the table.

The ayes and noes being demanded by Messrs. Chapman and Davis of Floyd,

*Those who voted in the affirmative are,*

Messrs. Chapman, Cotton, Dobson, Hodge, Mitchell, Orth, Reeve, Reyburn, and Sinclear—9.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Daviess, Davis of

Floyd, Defrees, Duzan, Farmer, Henry, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Moore, Morgan, Parks, Pennington, Pitcher, Read, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, Wilber, and Wood—36.

So the resolution was not laid upon the table.

The question then recurring upon the adoption of Mr. Pitcher's amendment,

Mr. Carr of Lawrence moved a division of the question upon striking out.

The ayes and noes being demanded by Messrs. Pitcher and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Burke, Chapman, Defrees, Farmer, Henry, Herriman, Morgan, Parks, Pitcher, Sands, Sinclear, and Wood—13.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Hodge, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Orth, Pennington, Read, Reeve, Reyburn, Ritchey, Shanks, Stanford, Tannehill, Todd, and Wilber—33.

So the striking out of the 15th was negatived.

The question then recurring upon the reciprocation of the resolution of the House, and

The ayes and noes being demanded by Messrs. Chapman and Alexander,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Duzan, Ewing, Farmer, Henry, Herriman, Hodge, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Moore, Parks, Pennington, Read, Reeve, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, Wilber, and Wood—39.

*Those who voted in the negative are,*

Messrs. Chapman, Dobson, Mitchell, Orth, Pitcher, Reyburn, and Sinclear—7.

So the resolution was reciprocated.

*Ordered,* That the House of Representatives be advised of the reciprocation of said resolution.

**Mr. Bradley presented the petition of John Wilson and others, of Florida township, Parke county, praying for the establishment of a new precinct in the west end of said township; which,**

**On motion of Mr. Bradley,**

**Was referred to a select committee.**

**Ordered, That Messrs. Bradley, Burke, and Reeve constitute said committee.**

**Mr. Davis of Daviess presented the petition of F. Wilhite, and other citizens of Daviess county, praying for an act to authorize the assessor of said county to commence making his assessments on the 1st day of January instead of the 1st day of March; which,**

**On motion of Mr. Davis of Daviess,**

**Was laid upon the table.**

**Mr. Davis of Floyd presented the petition of William Beeler and others, asking that the law be so amended as to permit the citizens of the city of New Albany to work the streets of said city, instead of working on the roads; which,**

**On motion of Mr. Davis of Floyd,**

**Was referred to a select committee.**

**Ordered, That Messrs. Davis of Floyd, Read, and Cornett constitute said committee.**

**Mr. Reeve presented the petition of A. M. C. Goudy, and other citizens of Rush county, in reference to the docket of Isaac Tullice, late a justice of the peace of said county; which,**

**On motion of Mr. Reeve,**

**Was referred to a select committee.**

**Ordered, That Messrs. Reeve, Jones, and Wilber, constitute said committee.**

**Mr. Reyburn presented the petition of Robert M. Taylor, and other citizens of the county of Miami, praying that Merritt W. Seely be appointed a commissioner to hold a court for the purpose of reinstating the court records, and that Edward H. Bruce be appointed a special recorder to restore the records of said county, which were destroyed by fire; which,**

**On motion of Mr. Reyburn,**

**Was laid upon the table.**

**Mr. Leviston presented the petition of Henry Rider, praying for the refunding of a certain sum of money by him appropriated to the building of bridge across the east fork of White river; which,**

**On motion of Mr. Leviston,**

**Was referred to the committee on finance.**

**On motion of Mr. Akin,**

**The vote on referring the petition of Elijah Milem and others, of Sullivan county, relative to the location of a certain State road, was reconsidered, and on his further motion, said petition was referred to a select committee.**

**Ordered, That Messrs. Akin, Ritchey, and Tannehill constitute said committee.**

Mr. Wilber, from the committee on finance, made the following report:

**MR. PRESIDENT:**

The committee on finance, to whom was referred a resolution of the Senate, instructing said committee to inquire into the expediency of amending the revenue law so as to require assessors to give in each township notice of the time of his attendance at the place of holding elections, and to require the citizens to attend at said time and place and give in a list of their taxable property, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee accordingly discharged.

Mr. Cornett, from the committee on the judiciary, made the following report:

**MR. PRESIDENT:**

The committee on the judiciary, to whom was referred bill No. 1 of the Senate, entitled, "A bill to extend the time for the treasurers of the several counties in this State to distrain for taxes," together with the report of the select committee to which said bill was previously referred, have had the same under consideration, and directed me to report said bill back to the Senate, and recommend its indefinite postponement, as the provisions of said bill are embraced in another, now pending before the Senate.

Mr. Orth, from the committee on the judiciary, submitted the following report:

**MR. PRESIDENT:**

The committee on the judiciary, to whom was referred a resolution of the Senate, directing said committee to inquire into the expediency of so amending the law on the subject of assessors and their duties as to require the several assessors throughout the State to enter upon their duties the first of January in each year, instead of the first of March, as the law now is, have had the subject under consideration, and report: That it is inexpedient to recommend any action on said resolution, as the same subject therein embraced is now before the Senate in the shape of a bill for that purpose. They therefore ask to be discharged from the further consideration of the subject.

Which was concurred in, and the committee accordingly discharged.

Also, the following report was submitted by Mr. Orth:



**Mr. PRESIDENT :**

The committee on the judiciary, to whom was referred the petition of E. Dumont and others, of Dearborn county, praying for the passage of an act extending the time of settlement of the county treasurer of said county with the auditor thereof, have had the same under consideration and report: That it is inexpedient to recommend any action on said petition, as the subject therein embraced is fully embodied in the provisions of a bill now before the Senate on the same subject. They therefore ask to be discharged from the further consideration of said petition.

The report was concurred in, and the committee accordingly discharged.

Mr. Wood, from the committee on roads, made the following report:

**Mr. PRESIDENT :**

The committee on roads, to whom was referred the petition of M. H. Cleveland and other citizens of Randolph and Jay counties, praying the location of a certain State road, have had that subject under consideration, and instructed me to report the following bill, and recommend its passage:

No. 51. A bill providing for the location of a State road in Randolph and Jay counties;

Read a first time and passed to a second reading.

Mr. Stanford, from the select committee to whom was referred the petition of sundry citizens of Greensborough, relative to the prohibition of vending spirituous and fermented liquors in said town, submitted the following report:

**Mr. PRESIDENT :**

The select committee to which a petition of sundry citizens of the town of Greensboro' in Henry county was referred, have had the subject matter of said petition under consideration, and have directed me to report a bill in accordance with the prayer of the petitioners.

No. 52. A bill to prohibit the sale of fermented and spirituous liquors in the town of Greensborough;

Read a first time and passed to a second reading.

Mr. Ritchey offered the following resolution:

*Resolved*, That the committee on finance be instructed to enquire into the expediency of providing by law, that county treasurers shall state on all receipts for state taxes in what kind of funds said tax was received; that they shall be required to keep a list of the names of tax payers, with a statement of the amount paid in cash, par funds, or State scrip, by each individual; and that they be required to report a copy of such list, verified by oath or affirmation, exhibiting the kind

of funds in which the taxes were paid to the Treasurer of State, previous to their settlement with said officer, and that they be required to pay over to that officer the state revenue in such funds as were paid to the said county treasurers;

Which was rejected.

Mr. Orth offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of enacting a law making the several counties in this state liable for all property that may be injured or destroyed therein by riots and mobs, whenever the owners thereof cannot obtain a sufficient compensation therefor from the persons causing such destruction;

Which was not adopted.

Mr. Berry offered the following resolution :

*Resolved*, That the committee on finance be requested to enquire into the expediency of providing for the annual assessment and valuation of all real estate;

Which was not adopted.

On motion of Mr. Pitcher,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the law regulating the duties of justices of the peace, as to place the replevy bail in justices' courts on the same footing as replevy bail in the circuit courts, and to report by bill or otherwise.

Mr. Akin offered the following resolution :

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed this day, at half past two o'clock, P. M., to the election of Agent of State.

The ayes and noes being demanded by Messrs. Akin and Ritchey,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Dobson, Duzan, Ewing, Henry, Hoover, Hutton, Jones, Kennedy, Leviston, Orth, Pennington, Pitcher, Read, Ritchey, Shanks, Sinclear, Tannehill, Todd, Wilber, and Wood—28.

*Those who voted in the negative are,*

Messrs. Bradley, Burke, Davis of Floyd, Farmer, Hodge, Herri-man, Major, Miller, Mitchell, Moore, Morgan, Parks, Reeve, Reyburn, Sands, Stanford, and Walpole—17.

So the resolution was adopted.

*Ordered*, That the House of Representatives be informed of the adoption of said resolution, and their concurrence therein requested.

Mr. Reyburn introduced,

No. 53. A bill to amend an act entitled "An act for the relief of John Plasters, school commissioner of Miami county," approved February 2d, 1843;

Read a first time, and,

On motion of Mr. Reyburn,

The rules were suspended, the bill was read a second and third times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Davis of Daviess introduced,

No. 54. A bill regulating the moneys collected as per centage and damage on State tax;

Read a first time and passed to a second reading.

Mr. Cotton introduced,

No. 55. A bill establishing an additional place of holding elections in Perry county;

Read a first and second times, the rules being dispensed with, and ordered to be engrossed for a third reading.

Mr. Cornett introduced,

No. 56. A bill for the relief of James Vawter, of Jefferson county;

Read a first and second times, the rules being dispensed with, and,

On motion of Mr. Dobson,

Referred to the committee on internal improvements.

The Senate resumed the consideration of Mr. Mitchell's motion to lay on the table,

No. 46. A bill (of the House) for the benefit of persons who are likely to suffer by the destruction of the records of Miami county, by fire.

The question then being shall the bill lie on the table?

The Senate decided in the negative.

Mr. Mitchell withdrew his motion to recommit with instructions, which was previously pending, and,

Mr. Pitcher offered the following:

"That said bill be recommitted to the same committee, with instructions, to report a bill providing that the respective courts shall restore their own records, with power to hold special terms for that purpose."

Which, on motion of Mr. Davis of Daviess,

Was laid upon the table.

The question then being, shall the bill pass?

The ayes and noes were demanded by Messrs. Herriman and Mitchell.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Duzan, Ewing, Farmer, Henry,

Hodge, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Moore, Morgan, Orth, Parks, Pennington, Pitcher, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Walpole, and Wood—42.

*Those who voted in the negative are,*

Messrs. Dobson, Herriman, Miller, and Mitchell—4.

So the bill passed.

No. 32. A bill to vacate the western addition to the town of Palmyra, in the county of Harrison, was

Read a third time and passed.

No. 39. A joint resolution requesting the Governor of Indiana to communicate with the Governor of the state of New York, asking a drawback on salt delivered at any point on the Wabash and Erie canal within the state of Indiana, was

Read a third time and passed.

No. 19. A bill extending the jurisdiction of justices of the peace;

Read a third time and passed.

*Ordered,* That the House of Representatives be advised of the passage of said bills and joint resolution.

No. 43. A bill to amend an act entitled "An act prescribing the duties of county auditor," approved February 12th, 1841;

Read a third time, and,

On motion of Mr. Chapman,

Was laid upon the table.

No. 5. A bill to incorporate the University of Notre Dame du Lac at South Bend, in St. Joseph county;

Was read a third time and passed.

*Ordered,* That the House be advised of the passage of said act, and the concurrence of the House be therein requested.

No. 38. A bill to transfer the duties of State Librarian to the Secretary of State, and for other purposes;

Was read a second time.

Mr. Davis of Daviess moved to refer the said bill to the committee on finance;

Which motion failed.

Mr. Ewing moved to refer the said bill to the committee on the State Library;

Which motion prevailed.

No. 40. An act to legalize the proceedings of the board of commissioners of the county of Monroe, at the August session thereof;

Was read a second time and ordered to be engrossed for a third reading.

No. 2. A joint resolution (of the House) in relation to refunding the fine imposed upon General Andrew Jackson, and for other purposes,

Was read a second time, and,

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Ritchey moved & called of the Senate, and,

On motion of Mr. Miller,

The absentees were sent for.

Messrs. Parks and Burke severally moved to suspend a further call of the Senate; which motions were negatived; and after some time Mr. Defrees renewed the motion to suspend the further call;

Which prevailed.

The President laid before the Senate the report of the Agent of State.

*The President of the Senate:*

In obedience to the resolution of the Senate, requiring the Agent of State to transmit a complete statement of his current expenses, from the time of entering upon the duties of his office to the present time, I have the honor to state, that the inconvenience, and, indeed, impracticability of keeping an account of the various items of my expense, led me to pursue the practice, which had before obtained, of adopting an average. During my first visit to the east, I kept a strict account of all my expenses,—a copy of which is hereto appended. Subsequently I kept no account, for the reason above stated, that I found it impracticable to do so. On my first trip I was absent thirty-five days, and my expenses, during that time, it will be perceived, were \$195 26, or a fraction over \$5 50 per day. I adopted \$5 00 as the average, and I doubt not my actual expenses have exceeded, rather than fallen short of that sum.

Boarding and a room alone, at any of the reputable houses in the eastern cities, costs \$12 to \$14 per week, exclusive of all other necessities. If a fire be enjoyed, it is at an additional expense of fifty cents per day; and, if a friend be invited to partake a meal with you, it is at the further expense of seventy-five cents or one dollar. These are some of the extra expenses which are unavoidable. In the course of my transactions, it has often happened that at meal times I have been engaged in matters of the state, with gentlemen, whom civility as well as a desire to save time and expedite business, required that I should invite to eat with me. I may say, however, that during my whole agency, I have never, in any instance, invited any gentleman to partake with me, except in case of persons with whom I was then transacting business on account of the state.

The necessity of having a commodious room or office, where I could see persons who visited me on matters of business, and where I could leave my papers in undisturbed order, when unavoidably absent, must be obvious at once.

More than an ordinary amount of travel (and consequently of expense) has fallen upon the present Agent, in consequence of having to search into the condition of desperate debts, and having to hunt up reluctant debtors, who, in former times, were very ready to save us that trouble, by hunting after us. The exigency of our affairs rendered it unavoidable, while in New York, that I should make frequent excursions to Brooklyn, Jersey City, Newark, Stanhope, Elizabethtown, Trenton, some times to be absent for several days, in all which cases, while the same account of expense in New York was continuing to run on (for so long as a room is occupied, boarding is charged, whether a party be present or not,) I was also paying for boarding wherever I might be and incurring the further costs of travel.

I have invariably endeavored to attend to the business of my office in person; and this, while it has greatly increased my personal expenses, has diminished the amount of my expenditures; for it will readily be perceived that the compensation to an Agent or assistant would necessarily have to cover, not only the same expenses, but pay to him also for his services.

From the time I entered upon the duties of my office, (which was about 1st March, 1842,) to the present time, I have been almost constantly absent on the business of the state, with the exception of the period from about 1st June to 1st October last. My expenses during that time have been \$2,115, exclusive of my last trip to the east, which have not been carried into my accounts, and which will amount to about \$300; and I think it will be found, on examination, that this is as little, if not less, than has been paid by the state for similar services.

M. G. BRIGHT, *Agent.*

*Expenses from 10th April to 15th May, 1842.*

Porterage at Madison,	-	-	-	-	-	-	\$	25
Passage to Cincinnati,	-	-	-	-	-	-		2 00
Bill at do.	-	-	-	-	-	-		1 50
Passage to Wheeling,	-	-	-	-	-	-		6 00
Boot-black on boat and porter at Wheeling,	-	-	-	-	-	-		1 00
Bill at Wheeling,	-	-	-	-	-	-		1 75
Fare to Fredericksburg,	-	-	-	-	-	-		17 00
Extra baggage,	-	-	-	-	-	-		5 00
Way-bills to Frederick,	-	-	-	-	-	-		2 50
Porterage at do.	-	-	-	-	-	-		25
Fare to Relay House,	-	-	-	-	-	-		2 65
Lodging, &c. at do.	-	-	-	-	-	-		1 50
Fare to Washington City,	-	-	-	-	-	-		2 00
Hack hire at do.	-	-	-	-	-	-		1 50
Bill at Gadsby's,	-	-	-	-	-	-		6 00
Porterage at Washington,	-	-	-	-	-	-		1 00
Fare to Baltimore,	-	-	-	-	-	-		2 50
Porterage at do.	-	-	-	-	-	-		1 00

Contingencies at Baltimore,	1 06½
Bill at Barnum's,	6 50
Fare to New York,	8 00
Extra baggage,	1 00
Porterage at New York,	1 00
Way fare,	1 06½
Fare to Newark and back,	1 00
Ferry to Jersey City and back,	12½
Shaving, box, &c.,	1 00
Ferry to Jersey City,	12½
“ to Brooklyn, &c.,	25
“ to Jersey City,	25
Fare to Poughkeepsie and back,	3 50
Bill at do.	1 00
Visit to Bloomingdale,	4 43½
“ to Newark and back and dinner,	1 25
Fare to Poughkeepsie and back,	3 50
Bill at do.	1 00
Ferriages to Jersey City,	50
Bill at Astor House,	59 55
Paid servants at do.	1 50
Fare to Philadelphia and supper,	4 50
Porter at do.	50
Bill at do.	2 00
Fare to Baltimore and supper,	4 50
Porter at do.	50
Bill at do.	1 00
Fare to Wheeling,	17 00
Way fare,	3 00
Bill at Wheeling,	1 25
Shaving,	50
Porterage,	50
Fare to Cincinnati,	4 00
Bill at do.	1 00
Fare to Madison,	2 00

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\$195 26½

Which, on motion of Mr. Burke,

Was laid upon the table.

No. 2. A joint resolution relative to refunding General Jackson's fine, being under consideration,

Mr. Pennington moved to strike out of the said joint resolution the word "unjust;" pending which,

Mr. Defrees moved to refer the joint resolution to the committee on federal relations.

The ayes and noes being demanded by Messrs. Chapman and Defrees,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Stanford, Sands, and Todd—22.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Ritchey, Read, Shanks, Sinclear, Tannehill, Wilber, and Wood—25.

So the joint resolution was not referred.

Mr. Defrees then moved to postpone the further consideration thereof until Saturday next;

Which motion prevailed.

No. 7. An act (of the House) to authorize Sarah Ann Lockwood, a minor, to unite with her husband Charles U. Lockwood, in the conveyance of real estate;

Was read a second time, and passed to a third reading.

No. 9. An act (of the House) to repeal an act entitled "An act to authorize the removal of the obstructions to the free passage of the water down Mud-creek and the Mill-fork of Eel river, in Morgan county;

Was read a first time, and passed to a second reading.

No. 10. An act (of the House) for the relief of Persis Hubbard;

Was read a second time, and passed to a third reading.

No. 21. An act (of the House) legalizing the proceedings of the board of commissioners of the county of Allen, at a special session thereof;

Was read a second time, and passed to a third reading.

No. 100. An act (of the House) to extend an act entitled "An act to compel speculators to pay a road tax;

Was read a second time, whereupon,

On motion of Mr. Wood,

The county of Randolph was inserted, and,

The bill passed to a third reading.

No. 42. A bill (of the Senate) to amend the seventh section of the eleventh chapter of the revised statutes, passed at the 27th session of the General Assembly;

Was read a second time, and,

On motion of Mr. Chapman,

Was committed to a select committee with instructions "to provide for continuing in force the existing laws upon the same subject."

*Ordered,* That Messrs. Read, Wilber, Buell of Dearborn, Henry, and Cornett constitute said committee.



No. 44. A bill (of the Senate) to authorize the board of commissioners of Lagrange county to sell certain real estate therein named;  
Was read a second time, and passed to a third reading.

No. 45. A bill (of the Senate) to provide for the improvement of the rapids of the Wabash river;

Was read a second time, and,

On motion of Mr. Morgan,

Referred to the committee on internal improvements.

No. 46. A bill (of the Senate) to extend the provisions of an act entitled, "An act to require the Bank to continue specie payments, and to enable it to maintain them," approved February 13th, 1843;

Was read a second time.

Mr. Orth moved to amend said bill by striking out the words "liabilities that shall accrue."

Pending which,

Mr. Ritchey moved an indefinite postponement of the bill and proposed amendment.

The ayes and noes being demanded by Messrs. Ritchey and Chapman,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Dobson, Duzan, Ewing, Henry, Herriman, Hodge, Hutton, Jones, Kennedy, Major, Miller, Parks, Ritchey, Sands, Sinclear, Tannehill, Todd, and Wood—28.

*Those who voted in the negative are,*

Messrs. Burke, Chapman, Davis of Floyd, Defrees, Hoover, Leviston, Moore, Morgan, Orth, Pennington, Pitcher, Read, Reeve, Reyburn, Shanks, Stanford, and Wilber—17.

So the bill and pending amendments were indefinitely postponed.

On motion of Mr. Stanford,

The Senate adjourned.

THURSDAY MORNING, DEC. 21, 1843.

The Senate assembled.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

I have been directed by the House of Representatives to inform the Senate that the House has passed engrossed bill thereof,

No. 101. An act to provide for the election of Agent of State, State Printer, Commissioner or Superintendent on the Wabash and Erie canal, and other officers, by viva voce ;

In which the concurrence of the Senate is respectfully requested.

Mr. Pennington moved to reject the act.

The ayes and noes being demanded by Messrs. Ritchey and Pennington,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Leviston, Moore, Morgna, Orth, Pennington, Reyborn, Sands, Stanford, Todd, and Wilber—22.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Major, Miller, Parks, Pitcher, Read, Reeve, Ritchey, Shanks, Sinclear, Tannehill, and Wood—24.

So the bill was not rejected.

Ordered to pass to a second reading.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

The House of Representatives has adopted the following resolution :

*Resolved*, That the House will, the Senate concurring therein, proceed to the election of President of the State Bank, on Friday next, at ten o'clock, A. M. ;

In which the concurrence of the Senate is respectfully requested.

I have been further directed by the House of Representatives to inform the Senate that the House has passed engrossed bill thereof,

No. 85. An act to authorize the school commissioner of Pike county to loan the common school fund of Pike county on personal security ; In which the concurrence of the Senate is respectfully requested.

On motion of Mr. Chapman,

The message and bill were laid upon the table.

The following message was received from the House of Representatives by Mr. Vawter, Assistant Clerk thereof :

**Mr. President :**

I am directed to inform the Senate that the House of Representatives has passed engrossed bill thereof, entitled,

No. 129. A bill to reduce the compensation of the county auditor in the county of Ripley ;

In which the concurrence of the Senate is respectfully requested.

The said bill was read a first time, and thereupon,

On motion of Mr. Cornett,

The rules were suspended, and the bill was read a second time and ordered to pass to a third reading.

Mr. Bradley, from the committee on finance, submitted the following report :

**Mr. President :**

The committee on finance, to whom was referred a resolution directing them to inquire into the expediency of revising and reducing the fees of the several county auditors of this State by the act of 1841, creating said office, have, according to order, had that subject under consideration, and have directed me to make the following report :

Your committee are of opinion that it would be inexpedient to make any change in the fees of said officer, knowing, as they do, that changes of the duties of said office were made in the revision of the statutes, which have not yet been submitted to the people : further, your committee are aware of the great complaint on the part of the people on account of the repeated changes of the law before they have an opportunity of investigating them ; they therefore deem legislation on that subject inexpedient, and ask to be discharged from any further consideration of the same.

The report was concurred in and the committee accordingly discharged.

The following report was submitted by Mr. Bradley from the same committee :

**Mr. President :**

The committee on finance, to whom was referred a resolution of the Senate, directing them to inquire into the expediency of abolishing the office of county auditor in this State, and transferring the duties

of the same to the clerks of the circuit courts; also, of abolishing the office of county assessor, and providing for township assessors; and also of amending the act prescribing the duties of county treasurers, so that said treasurers shall hold their offices but two years, and not be eligible for a second term in succession, have, according to order, had the subject under consideration, and they have directed me to report, that it is inexpedient to make the changes contemplated by the resolution, and ask to be discharged from any further consideration thereof.

Which was concurred in and the committee accordingly discharged.

Mr. Cornett, from the committee on the judiciary, made the following report:

**Mr. President:**

The committee on the judiciary, to which was referred a resolution of the Senate, requiring said committee to inquire into the expediency of reporting a bill to repeal an act appropriating certain funds to the purposes of education, approved January 31st, 1843, have had the same under consideration, and directed me to report that it is, in the opinion of said committee, inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

Concurred in and the committee accordingly discharged.

Mr. Orth, from the committee on the judiciary, to whom was referred bill of the Senate No. 4, made the following report:

**Mr. President:**

The committee on the judiciary, to whom was referred bill of the Senate No. 4, entitled, "A bill reducing the fees and salaries of State officers," have had the same under consideration, and report, that it is inexpedient further to legislate on the subject, as a bill embracing similar provisions has already passed the Senate; they therefore report said bill back to the Senate and recommend its indefinite postponement, and that the committee be discharged from the further consideration of the subject.

Concurred in and the committee accordingly discharged.

Mr. Herriman, from the select committee to whom was referred the petition of sundry citizens, praying the passage of an act authorizing the commissioners of Lagrange county to have the records of said county corrected, made the following report:

**Mr. President:**

The select committee to whom was referred a petition of sundry citizens of Lagrange county, praying the passage of an act allowing the county commissioners of Lagrange county to contract with the recorder to correct the record of the aforesaid county, have had the same under consideration, and directed me to report the following bill:

So the amendment was adopted.

Mr. Davis of Floyd moved to reconsider the vote upon the adoption of Mr. Hodge's amendment;

Pending which,

On motion of Mr. Ewing,

The bill and amendments were committed to a select committee, composed of Messrs. Ewing, Stanford, and Davis of Daviess.

Mr. Herriman, from the select committee to-whom had been referred bill No. 57 of the Senate, made the following report:

**Mr. PRESIDENT:**

The select committee to whom was referred a bill authorizing the recorder of Lagrange county to perfect the records thereof, have had that bill under consideration, and have instructed me to report the same back with the following amendment, to-wit: Add after the second section the following as an additional.

Which amendment was concurred in.

On motion of Mr. Berry,

*Resolved*, That the committee on the judiciary be requested to report a bill requiring the superintendent of the Wabash and Erie canal to give bond and security for the proper discharge of his official duties.

Mr. Ritchey introduced,

No. 59. A bill to repeal the 3d section of "An act to require the Bank to continue specie payments, and to enable it to maintain them;"

Read a first time and passed to a second reading.

Mr. Pitcher introduced,

No. 60. A bill to enable married women to acquire and hold separate property;

Read a first time and passed to a second reading.

Mr. Cornett introduced,

No. 61. A bill to amend an act entitled "An act supplemental to an act subjecting real and personal property to execution, approved January 8th, 1842," approved Feb. 11th, 1843;

Which was read a first time; after which,

Mr. Pitcher moved to reject it;

Which motion failed; and,

The bill was passed to a second reading.

Mr. Burke introduced,

No. 62. A bill to repeal an act entitled "An act relating to public roads and highways, approved February 17th, 1838," approved Jan. 29th, 1842;

Read a first time and passed to a second reading.

Mr. Duzan introduced,

No. 63. An act fixing the time of holding circuit courts in the several counties of the fifth judicial circuit.

**Mr. Sinclear** introduced,  
**No. 64.** An act regulating the granting of licenses in the counties of Adams, Allen, Huntington, and Wells;

Read a first time and passed to a second reading.

**Mr. Defrees** introduced,  
**No. 65.** An act for the benefit of the illegitimate children of John T. McClelland;

Read a first time and passed to a second reading.

On motion,

The Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

On motion of **Mr. Hodge**,

**No. 43.** An act entitled "An act to amend an act prescribing the duties of county auditor," approved Feb. 12th, 1843;

Was taken from the table; and, having been read a third time,

**Mr. Carr** of Jackson moved to commit it to the committee on finance, with instructions to make its provisions general; which

**Mr. Davis** of Daviess moved to amend by directing the committee to report a general bill upon the subject matter of said bill.

Both the motion to commit with instructions and the amendment thereto being negatived,

On motion of **Mr. Tannehill**,

The bill was recommitted to the committee on finance, with instructions to insert the following counties: Bartholomew, Ripley, Owen, Knox, Tippecanoe, Cass, Miami, Wabash, Morgan, Randolph, Jay, Blackford, Jennings, Daviess, Martin, Montgomery, Henry, Decatur, Brown, Monroe, Marion, Greene, and Jefferson.

**No. 55.** A bill (of the Senate) establishing an additional place of holding elections in Perry county;

Read a third time and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and the concurrence of the House be therein requested.

**No. 10.** An act (of the House) for the relief of Persis Hubbard;

Was read a third time, and,

On motion of **Mr. Herriman**,

Laid upon the table.

**No. 7.** An act (of the House) to authorize Sarah Ann Lockwood, a minor, to unite with her husband, Charles U. Lockwood, in the conveyance of real estate;

Read a third time and passed.

**No. 9.** An act (of the House) to repeal an act entitled "An act to authorize the removal of the obstructions to the free passage of

water down Mud Creek, and the Mill Fork of Eel river, in Morgan county;

Read a third time and passed.

No. 21. An act (of the House) legalizing the proceedings of the board of commissioners of the county at a special session thereof;

Read a third time and passed.

No. 100. An act (of the House) to extend an act entitled "An act to compel speculators to pay a road tax, &c. ;

Read a third time and passed.

*Ordered*, That the House of Representatives be advised of the passage of said bills.

No. 44. An act (of the Senate) to authorize the board of commissioners of Lagrange county to sell certain real estate therein named;

Read a third time and passed.

*Ordered*, That the House of Representatives be informed of the passage of said act, and the concurrence of the House be therein requested.

No. 47. A bill (of the Senate) for the education of the deaf and dumb in the State of Indiana;

Was read a second time, after which,

Mr. Defrees moved to amend by inserting after the word "Putnam" "and their successors;"

Which motion prevailed; and,

Mr. Stanford moved to amend by inserting in the blanks in the 2d section, the words "first" and "February;"

Which amendments also prevailed; and,

On motion of Mr. Herriman,

The bill was referred to the committee on corporations.

No. 49. A joint resolution (of the Senate) in relation to an appropriation on the National Road in Indiana; was

Read a second time and ordered to be engrossed for a third reading.

No. 50. A joint resolution (of the Senate) in relation to the election of officers elected by the General Assembly; was

Read a second time, and,

On motion of Mr. Ritchey,

Laid upon the table.

No. 51. A bill (of the Senate) providing for the location of a State road in Randolph and Jay counties; was

Read a second time, and,

On motion of Mr. Ewing,

Referred to the committee on roads.

Leave being granted, Mr. Ewing offered the following resolution:

*Resolved*, That the Auditor of State be requested to furnish a copy of the report of the commissioner of the west end of the Vincennes and New Albany Turnpike Road for the last year, as soon as convenient; which

Mr. Davis of Floyd moved to amend by inserting after the word "west," "the east end ;"

Which was accepted, and the resolution as amended was adopted.

No. 52. A bill (of the Senate) to prohibit the sale of spirituous or fermented liquors in the town of Greensborough, in Henry county ; was

Read a second time and referred to the committee on the judiciary.

No. 54. A bill (of the Senate) regulating the moneys collected as per centage and damage on State tax ; was

Read a second time, and,

On motion of Mr. Stanford,

Referred to the same select committee to whom had been previously referred a bill upon the same subject.

Mr. Ritchey introduced,

No. 66. A bill the better to secure the payment of the revenue into the State Treasury in such funds as are collected by the county treasurers ;

Read a first time and passed to a second reading.

Mr. Read, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to whom was referred bill of the Senate No. 42, with certain instructions relative thereto, have had the subject under consideration, and have directed me to report the bill back, with the amendment herewith submitted, and recommend the adoption of said amendment.

On motion,

The amendment was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Burke moved to take from the table the message of the House containing the resolution proposing to go into the election of President of the State Bank ;

Which was negatived.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

The House has passed engrossed bill thereof,

No. 143. An act to legalize the sale of certain real estate of the minor heirs of James Whitaker, in the county of Noble ;

In which the concurrence of the Senate is respectfully requested.

Said bill was read a second time, the rules having been suspended for the purpose, and,

On motion of Mr. Herriman,

Referred to the committee on the judiciary.

Mr. Reyburn introduced,



No. 67. A bill to establish a State road in Miami county ; which was

Read a first and second times, the rules being dispensed with, and referred to the committee on roads.

Mr. Duzan, from the committee on enrolled bills, made the following report :

Mr. PRESIDENT :

The committee on enrolled bills have presented to His Excellency the Governor, for his approval, the following enrolled bill of the Senate, viz :

No. 7. An act authorizing the several courts of Tippecanoe county to be holden in such place as therein specified during the erection of a new court house in said county.

Mr. Chapman moved to reconsider the vote upon postponing the further consideration of joint resolution of the House No. 2, proposing to refund Gen. Jackson's fine, and for other purposes ;

Which motion prevailed ; and,

On motion of Mr. Chapman,

The consideration of said joint resolution was deferred until Wednesday next.

On motion of Mr. Ritchey,

The Senate adjourned.

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## FRIDAY MORNING, DEC. 22, 1843.

The Senate assembled.

Mr. Cornett, from the committee on the judiciary, made the following report :

Mr. PRESIDENT :

The committee on the judiciary, to which was referred bill No. 18, of the Senate, for the relief of purchasers of school lands, have had the same under consideration, and have directed me to report it back to the Senate, without amendment, and recommend its passage.

Which bill was read a second time and ordered to be engrossed for a third reading.

Mr. Davis of Floyd, from the committee on the judiciary, submitted the following report :

**Mr. President :**

The committee on the judiciary, to which was referred a resolution of the Senate, requesting the committee to inquire into the expediency of amending the third section of an act entitled, "An act to require the Bank to continue specie payments," approved February 13th, 1843, so that it shall not be necessary to set out in writing the exception of the valuation and appraisement laws, have had the same under consideration, and have directed me to report that the same subject has been heretofore acted upon by said committee, and a bill reported to the Senate for the purposes contemplated in the resolution. The committee, therefore, ask to be discharged from the further consideration of the same.

The said report was concurred in and the committee accordingly discharged.

**Mr. President :**

The committee on the judiciary, to which was referred a resolution of the Senate, instructing them to inquire "what amendment, if any, is necessary to part I., chapter 12th, and article 2d, of the revised laws, relating to county assessors, have had the same under consideration, and have instructed me to report that it is inexpedient to change the law referred to in said resolution. Said committee therefore ask to be discharged from the further consideration of the subject.

The report was concurred in and the committee accordingly discharged.

Leave of absence was granted to Mr. Farmer, at his request, until the early part of next week.

Mr. Wither, from the committee on internal improvements, made the following report :

**Mr. President :**

The committee on internal improvements, to which was referred a bill for the relief of James Vawter, have had the same under consideration, and instructed me to report the bill back, with the following amendment, and recommend its passage. Strike out all after the enacting clause and insert the following.

Which amendment was concurred in and the bill ordered to be engrossed for a third reading.

Mr. Chapman offered the following resolution :

*Resolved*, That the committee on education be directed to inquire into the expediency of electing a superintendent of common schools in accordance with the principles of the 15th chapter of the Revised Statutes ; with leave to report by bill or otherwise ;

Which was not adopted.

Mr. Herriman introduced.

No. 68. A bill allowing foreign and domestic merchandise to be vendid in Noble, Lagrange, Steuben, and DeKalb counties, without license ;

Was read a first time and passed to a second reading,

No. 58. A bill to locate a state road in Sullivan county ;

Was read a third time and passed.

No. 57. An act authorizing the recorder of Lagrange county to perfect the records of said county ;

Was read a third time and passed.

No. 129. A bill (of the House) to reduce the compensation of county auditor in the county of Ripley ;

Was read a third time and passed.

No. 49. A joint resolution in relation to an appropriation on the National road in Indiana ;

Was read a third time and passed.

No. 42. A bill to revive the first section of an act entitled, " An act to amend an act entitled, ' an act authorizing the appointment of pilots at the falls of the Ohio in this State,' " approved February 8th, 1843 ;

Was read a third time and passed.

*Ordered*, That the House of Representatives be advised of the passage of said bills and joint resolutions, and their concurrence requested in those of the Senate.

No. 101. A bill (of the House) to provide for the election of Agent of State, State Printer, Commissioner or Superintendent on the Wabash and Erie canal, and other officers, by viva voce ;

Being read a second time,

Mr. Ritchey offered the following amendment :

" Amend by adding, that so much of the late revision as contravenes the provisions of this act, be, and the same is hereby repealed."

The ayes and noes being demanded thereupon by Messrs. Ritchey and Ewing,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—23.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Henry, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, and Wilber—22.

So the amendment was adopted.

Mr. Pennington moved to lay the bill upon the table ;

Which motion was negatived ; whereupon,

Mr. Defrees moved to postpone the further consideration of the bill until this day week ;

Which motion did not prevail.

The question then recurring upon the engrossment of the bill,

The ayes and noes were demanded by Messrs. Defrees and Pennington.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Parks, Read, Ritchey, Shanks, Sinclair, Tannehill, and Wood—23.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Henry, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, and Wilber—22.

So the bill was ordered to be engrossed for a third reading.

The following message was received from the House of Representatives by Mr. Vawter, Assistant Clerk thereof :

**MR. PRESIDENT :**

The Speaker of the House of Representatives has signed the following enrolled bill of the House, to-wit :

No. 46. An act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire ;

Which I am directed to bring to the Senate for the signature of the President thereof.

And thereupon, the President signed said act.

The following message was received from His Excellency the Governor, by Mr. Kinder, his private secretary :

**MR. PRESIDENT :**

I am directed by His Excellency the Governor to inform the Senate, that he did, on the 22d instant, approve and sign,

No. 7. An act authorizing the several courts of Tippecanoe county to be holden in such place as therein specified, during the erection of a new court house in said county.

Leave being granted,

Mr. Chapman made the following report from the committee on the judiciary :

**Mr. President :**

The committee on the judiciary, to which was referred a resolution in relation to the Superintendent of the Wabash and Erie canal, have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

No. 69. A bill to require the Superintendent of the Wabash and Erie canal to give bond and take an oath of office.

On motion of Mr. Herriman,

The rules were suspended, and the said bill read a second time ; whereupon,

On motion of Mr. Orth,

The blank in said bill was filled with " fifty thousand dollars "

On the further motion of Mr. Orth,

The vote upon filling the blank with fifty thousand dollars was reconsidered.

Mr. Akin moved to fill the said blank with " one hundred thousand dollars ; "

Pending which,

Mr. Buell of Warren moved to lay the bill upon the table ;

Which motion failed.

The question then recurring upon Mr. Akin's motion to fill the blank with one hundred thousand dollars,

The Senate decided in the affirmative.

On motion of Mr. Ewing,

The vote upon filling the blank with one hundred thousand dollars was reconsidered ; and

Mr. Herriman moved to fill the blank with " sixty thousand dollars. "

Mr. Reyburn moved to fill with " seventy-five thousand dollars ; "

Which motion did not prevail.

The question then recurred upon filling with sixty thousand dollars ;

And the bill was so filled.

Ordered, That said bill be engrossed for a third reading.

On motion of Mr. Pitcher,

No. 8. A bill to form a new county out of the county of Dearborn, and to relocate the county seat thereof ;

Was taken from the table ; and,

On his further motion,

Was recommitted to the same select committee to whom it had been previously referred.

No. 59. A bill to repeal the third section of an act to require the Bank to continue specie payments and to enable it to maintain them ;

Was read a second time, and,

On motion of Mr. Miller,

Laid upon the table.

On motion of Mr. Miller,

So much of the message of the House of Representatives as relates to bill

No. 55. A bill to authorize the school commissioner of Pike county to loan the common school fund of Pike county on personal security ;  
Was taken from the table.

The said bill was read a second time (the rules being dispensed with), and, on motion,

Referred to a select committee.

On motion of Mr. Ewing,

The vote upon referring said bill to a select committee was reconsidered ; and,

On his further motion,

Was referred to the committee on education.

No. 60. A bill to enable married women to hold separate property :

Being read a second time;

Mr. Parks moved to refer it to the committee on the judiciary ;

Pending which;

Mr. Read moved to lay the bill upon the table ;

Which motion was negatived.

The question then recurring upon its reference to the committee on the judiciary,

The Senate decided in the affirmative.

Leave being granted,

Mr. Defrees offered the following resolution :

*Resolved*, That when the Senate adjourns, it will adjourn to meet at nine o'clock on Tuesday morning next.

Mr. Ritchey moved to amend by inserting after the word adjourns, "to-night ;"

Which amendment did not prevail.

The question then recurring upon the adoption of the resolution,

The ayes and noes were demanded by Messrs. Defrees and Read.

*Those who voted in the affirmative are,*

Messrs. Alexander, Chapman, Defrees, Orth, Pitcher, and Sinclear  
—6.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Henry, Herriman, Hodge, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Pennington, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, Wilber, and Wood—40.

So the resolution was not adopted.

Mr. Chapman, from the committee on the judiciary, made the following report :

**Mr. President :**

The committee on the judiciary, to which was referred bill of the House of Representatives No. 143, have had that subject under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

No. 143. A bill (of the House) to legalize the sale of certain real estate of the minor heirs of James Whitaker, in the county of Noble;

Was read a second time and ordered to be engrossed for a third reading.

On motion,

The Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Herriman, from the committee on roads, submitted the following report :

**Mr. President :**

The committee on roads, to whom was referred a resolution instructing said committee to enquire into the expediency of amending the revised laws, so as to authorize the board doing county business to appoint supervisors at their March term instead of electing in April as is now provided by law, have had the same before them, and report, that it is inexpedient to legislate thereon at this time.

On motion of Mr. Wilber,

The resolution was recommitted to a select committee.

*Ordered,* That Messrs. Wilber, Cornett, and Hodge constitute said committee.

Mr. Herriman, from the committee on roads, made the following report:

**Mr. President :**

The committee on roads, to whom was referred a resolution of the Senate instructing said committee to enquire into the expediency of so amending the road law as to make the compensation allowed to supervisors, by way of exemptions, uniform and equal according to the services performed at a certain per diem allowance, have had the same under consideration, and are of opinion that it is inexpedient to legislate thereon at this time;

Which report was concurred in, and the committee discharged from the further consideration of the subject matter of said resolution.

No. 61. A bill (of the Senate) to amend an act entitled "An act to amend an act supplemental to an act subjecting real and personal property to execution;" approved January 8th, 1842; approved February 11th, 1843;

Being read a second time,

Mr. Cornett moved its reference to the committee on the judiciary;

Which motion prevailed.

Mr. Buell of Warren moved the following instructions:

"So as to exclude all but house and freeholders from the exemption of one hundred and twenty-five dollars;"

Which motion failed.

No. 62. A bill (of the Senate) to repeal an act entitled "An act relating to public roads and highways;" approved February 17th, 1838; approved January 29th, 1842;

Was read a second time and ordered to be engrossed for a third reading.

No. 63. An act fixing the time of holding circuit courts in the several counties in the fifth judicial circuit;

Read a second time, and ordered to be engrossed for a third reading.

No. 64. An act regulating the granting of licenses, in the counties of Adams, Allen, Huntington, and Wells;

Was read a second time, and ordered to be engrossed for a third reading.

No. 65. An act for the benefit of the illegitimate children of John T. McClelland;

Was read a second time, and ordered to be engrossed for a third reading.

No. 66. A bill the better to secure the payment of the revenue into the State Treasury, in such funds as are collected by the County Treasurers;

Was read a second time, and,

On motion of Mr. Miller,

Referred to the committee on finance.

Mr. Stanford, from the select committee to whom was referred a bill for the relief of several counties therein named, made the following report:

Mr. PRESIDENT:

The select committee to which a bill for the relief of the Treasurers of the several counties therein named was referred, have directed me to report the bill back to the Senate with one amendment, which is, by striking out the four first sections thereof and inserting five other sections in their stead, and changing the numbers of the other sections of the bill to correspond with said sections; in which they would respectfully ask the concurrence of the Senate.

The amendment was concurred in.

On motion of Mr. Ritchey,

Johnson county was stricken out of said bill.



Mr. Chapman moved to lay said bill on the table;  
The ayes and noes being demanded by Messrs. Chapman and Defrees,

*Those who voted in the affirmative are,*

Messrs. Alexander, Chapman, Davis of Floyd, Defrees, Henry, Herriman, Hoover, Mitchell, Read, and Ritchey—10.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Dobson, Duzan, Davis of Daviess, Ewing, Hodge, Hutton, Jones, Kennedy, Leviston, Major, Miller, Moore, Morgan, Orth, Parks, Pennington, Reeve, Reyburn, Sands, Stanford, Tannehill, Todd, Wilber, and Wood—33.

So the bill was not laid upon the table.

Mr. Defrees moved the following amendment:

"That after the present year, the provisions of this section shall extend to all counties in the state;"

Which amendment prevailed.

On motion of Mr. Dobson,

The bill was considered engrossed, and read a third time.

The question then being, shall it pass?

The ayes and noes were demanded by Messrs. Chapman and Davis of Daviess,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Henry, Hodge, Hoover, Hutton, Kennedy, Leviston, Major, Moore, Morgan, Orth, Pennington, Parks, Reeve, Reyburn, Sands, Stanford, Tannehill, Todd, Wilber, and Wood—35.

*Those who voted in the negative are,*

Messrs. Chapman, Defrees, Herriman, Miller, Mitchell, Ritchey, Read, and Shanks—8.

So the bill passed.

Ordered, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Chapman, from the committee on the judiciary, submitted the following report:

Mr. President :

The committee on the judiciary, to which was referred bill of the Senate No. 52, entitled "A bill to prohibit the sale of spirituous or fermented liquors in the town of Greensboro', in the county of Henry," have had the same under consideration, and have directed me to report the same back to the Senate with one amendment;

Amend by striking out from the enacting clause and insert the following:

Which amendment was concurred in by the Senate, and the bill ordered to a third reading.

On motion of Mr. Hoover,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of reducing the members of the Senate to thirty, and the members of the House of Representatives to sixty, *prospectively*, for the purpose of carrying out the retrenchment commenced this session, and report by bill or otherwise.

Mr. Read from the committee on finance made the following report:

Mr. President :

The committee on finance, to whom was referred a bill to amend an act entitled "An act prescribing the duties of county auditor, approved February 12th, 1841," have had the same under consideration and have directed me to report the bill back to the Senate, with the following amendment:

Which amendment was concurred in.

On motion of Mr. Morgan;

Decatur county was stricken out, and,

The bill ordered to a third reading.

Mr. Carr of Jackson introduced,

No. A bill for the better security of the common school fund in Jackson county;

Was read a first time, and passed to a second reading.

On motion of Mr. Akin;

*Resolved*, That the committee on the judiciary be respectfully requested to enquire into the expediency of reporting a bill giving Probate judges the power to administer oaths.

The following message was received from the House of Representatives, by Mr. English, their Principal Clerk:

Mr. President :

The House has passed engrossed bills thereof:

No. 16. An act in relation to the Probate Court in Dubois county.

No. 54. An act to declare the Mississinewa river a public highway.

No. 55. An act to change the time of holding Probate Courts in Martin county.

No. 41. An act to provide for the establishment of an additional place of holding elections in Vermillion county.

No. 30. An act incorporating the first Presbyterian church of Decatur.

No. 34. An act regulating the boundaries of the counties of War-  
rick and Gibson.

No. 72. An act regulating elections in the counties of Adams and Jay.

No. 52. An act concerning marks and brands.

No. 64. An act to restrict the assessment of a poll tax within the county of Spencer.

In which the concurrence of the Senate is respectfully requested.

Each of said bills, except No. 34, was read a first time, and passed to a second reading.

No. 34. An act to regulate the boundaries of the counties of War-  
rick and Gibson; was,

On motion of Mr. Miller,

The rules being suspended, read a second time and referred to the committee on the judiciary.

The following message from the House of Representatives was re-  
ceived by Mr. English, Principal Clerk:

Mr. PRESIDENT:

The House of Representatives has passed engrossed joint resolu-  
tions thereof:

No. 60. A joint resolution in relation to repairs on the bridge across  
White river on the National road.

No. 61. A joint resolution in relation to a light-house at City West.  
In which the concurrence of the Senate is respectfully requested.

Also, engrossed bill of the Senate, without amendment,

No. 12. An act to correct the plat of the town of Enochsburgh, in  
Franklin county.

Also, joint resolution of the Senate, without amendment,

No. 3. A joint resolution on the subject of improving the naviga-  
tion of the Mississippi, Ohio, and Wabash rivers.

No. 61. A joint resolution in relation to a light-house at City West;  
Was read a first time, and passed to a second reading.

No. 60. A joint resolution in relation to repairs on the bridge a-  
cross White river on the National road;

Being read a first time,

Mr. Burke moved to suspend the rules for a second reading;

Which prevailed; and, thereupon,

Mr. Burke offered the following amendment:

"Add the bridge across White Water river, at Richmond, on the  
National road."

Mr. Stanford offered the following amendment to the amendment of Mr. Burke:

"Add the bridge across Blue river, at Knightstown;"  
Which prevailed.

Mr. Herriman offered the following amendment:

"And all the rest of the bridges in the state, either on National, State, or County roads."

The ayes and noes being called for by Messrs. Herriman and Mitchell,

*Those who voted in the affirmative are,*

Messrs. Berry, Herriman, Mitchell, Reeve, and Sinclear—5.

*Those who voted in the negative are,*

Messrs. Akin, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Ewing, Henry, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Moore, Morgan, Orth, Parks, Pennington, Reyburn, Ritchey, Read, Sands, Shanks, Stanford, Tanneshill, Todd, Wilber, and Wood—35.

So the amendment did not prevail.

Mr. Ritchey offered the following amendment:

Amend by adding "and all the other bridges on the National road;"  
Which amendment did not prevail.

The question then recurring upon the adoption of Mr. Burke's amendment,

The Senate decided in the affirmative.

Mr. Mitchell moved to commit the bill to a select committee, pending which,

Mr. Carr of Jackson moved a division of the question; and the Senate refused to commit.

So the bill was ordered to be engrossed for a third reading.

Mr. Chapman offered the following resolution:

*Resolved,* That when the Senate adjourns it will adjourn to meet at 9 o'clock on Tuesday next;

The ayes and noes being demanded by Messrs. Carr of Jackson and Berry,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Burke, Chapman, Davis of Daviess, Davis of Floyd, Defrees, Herriman, Hutton, Kennedy, Orth, and Reeve—12.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Dobson, Duzan, Ewing, Henry, Hoover, Jones, Leviston, Major, Miller, Mitchell, Moore, Morgan, Parks, Pennington, Read, Reyburn, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, Wilber, and Wood—31.

So the resolution was not adopted.

Mr. Alexander offered the following:

WHEREAS, reports of committees ordered to be printed in pamphlet form, are, according to law, excluded from the journal of our proceedings, and evidently intended to be preserved in the public documents of the session; and, whereas, at least one important report in relation to our state indebtedness and other interesting subjects, which was presented to the Senate on January 5th, 1843, by the chairman of the committee on federal relations, of which five hundred copies in print were ordered and received, (see Journal last session, page 218,) is not embraced in the volume of documents; or recorded, or on file in the archives of this body; Therefore,

*Resolved*, That the public printer be required to furnish the legal number of said report, accurately printed, to the Secretary of State, to be by him embraced in the volume of this session as an omitted document;

Which was, on motion, laid upon the table.

Leave of absence was granted to Messrs. Orth and Reeve until the early part of next week.

On motion of Mr. Jones,

The vote upon the rejection of Mr. Chapman's resolution was reconsidered.

The question then recurring upon its adoption;

The ayes and noes were demanded by Messrs. Carr of Jackson and Carr of Lawrence.

*Those who voted in the affirmative are,*

Messrs. Bradley, Chapman, Defrees, Herriman, Hodge, Hutton, Jones, Kennedy, Mitchell, Reeve, Reyburn, and Ritchey—12.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Henry, Hoover, Leviston, Major, Miller, Moore, Morgan, Orth, Parks, Pennington, Read, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—31.

So the resolution was not adopted.

On motion,

The Senate adjourned.

SATURDAY MORNING, DEC. 23, 1843.

The Senate assembled.

Mr. Reyburn presented the petition of G. W. Thomas, representing that he had purchased several parts of sections of the Wabash and Erie canal lands, upon each of which he had made partial payments, and that he is unable to pay the balance due on them, and asking relief by either of two expedients he therein proposes; which,

On motion of Mr. Reyburn,

Was referred to a select committee.

Ordered, That Messrs. Reyburn, Hutton, and Hodge, constitute said committee.

Mr. Hoover, from the committee on finance, made the following report:

Mr. PRESIDENT:

The committee on finance, to whom was referred the petition of Henry Rider, of Union county, have had that subject under consideration; and from the representation of said petitioner, we find that he built a bridge across White Water, in Union county, that he advanced a portion of the money; expecting to be remunerated out of the three per cent. fund, pursuant to an act of 1837. Your committee are of opinion that they are not authorized to go behind said act, and authorize the money to be drawn out of the State Treasury. They therefore deem it inexpedient to legislate upon the subject, and ask to be discharged from the further consideration thereof.

The said report was concurred in, and the committee accordingly discharged.

Mr. Chapman, from the committee on the judiciary, made the following report:

Mr. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate No. 48, entitled, "A bill to constitute the county commissioners of Grant county library trustees," have had the same under consideration, and have directed me to report the same back to the Senate with one amendment, and recommend its adoption.

Amend by striking out from the enacting clause and inserting the following:

Which amendment was concurred in; whereupon,

On motion of Messrs. Morgan, Bradley, Mitchell, and Moore, The counties of Decatur, Parke, Elkhart, and Montgomery, were exempted from the provisions of said act.

On motion of Mr. Morgan,

*Resolved*, That the State Printer be requested to print and cause to be distributed — copies of the annual report of the Agent of State, for the use of the Senate.

On motion of Mr. Akin,

The blank in said resolution was ordered to be filled with "500."

On motion of Mr. Ritchey,

*Resolved*, That the committee on the judiciary be instructed to report to this body whether the trustees of county seminaries have the legal and constitutional power to sell and dispose of real estate belonging to and vested in said county seminaries.

Mr. Leviston offered the following resolution :

*Resolved*, That the Senate will carry out the principles of economy so laudably promulgated by the present General Assembly in their act of reduction of salaries, &c., that we will vote for no appropriation for newspapers furnished to members of either branch of the Legislature ; which

Mr. Chapman moved to amend by striking out "laudably ;"

Which motion failed ; and thereupon,

On motion of Mr. Ewing,

The resolution was laid upon the table.

On motion of Mr. Burke,

The vote upon the concurrence in the report of the finance committee was reconsidered, and the petition in relation to which said report was made, together with the report, was committed to a select committee.

*Ordered*, That Messrs. Burke, Bradley, Carr of Lawrence, Leviston, and Hoover, constitute said committee.

On motion of Mr. Morgan,

*Resolved*, That the committee on finance be requested to inquire into the expediency of changing the time of the meeting of the General Assembly of the State of Indiana.

*The following bills were presented :*

By Mr. Mitchell :

No. 71. A bill to amend an act entitled "An act to organize the militia of Indiana," approved Feb. 10th, 1841, and to revise and amend the laws authorizing the formation of companies of independent militia, by voluntary enlistment ; which was

Read a first time, and,

On motion of Mr. Mitchell,

The rules were dispensed with, the bill was read a second time, and referred to the committee on military affairs.

By Mr. Wood :

No. 72. A bill changing the name of Henry Howell ; was

Read a first time and ordered to a second reading.

By Mr. Todd :

No. 73. A bill for the relief of the borrowers of the sinking fund, surplus revenue fund, saline fund, and other funds, and to declare the duties of agents of the same ; was

Read a first and second times, the rules being suspended therefor ; whereupon,

Mr. Ewing moved its reference to the committee on finance ;

Which motion failed ; and,

On motion of Mr. Todd,

The said bill was referred to the committee on the judiciary.

Mr. Davis of Daviess moved to take from the files bill

No. 101. To provide for the election of Agent of State, State Printer, Commissioner or Superintendent on the Wabash and Erie Canal, and other officers, by *visa voce*.

Mr. Pennington moved a call of the Senate ;

Which motion was negatived.

The ayes and noes upon the adoption of Mr. Davis' motion being demanded by Messrs. Chapman and Davis of Daviess,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Leviston, Major, Miller, Mitchell, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—23.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Burke, Corbett, Cotton, Davis of Floyd, Defrees, Ewing, Henry, Hodge, Moore, Morgan, Pennington, Reyburn, Sands, Stanford, and Todd—17.

So the bill was taken from the files and read a third time ; whereupon,

Mr. Defrees moved to lay it upon the table ;

Which motion did not prevail.

Mr. Ewing moved to commit it to the committee on the judiciary, with instructions to inquire into the constitutionality of the contemplated change, and, if deemed to be perfectly compatible with our constitutional obligations, to inquire into the expediency of adopting any change at the present time, and report the result to the Senate.

Mr. Hutton moved to lay said instructions upon the table.

The ayes and noes being demanded by Messrs. Ewing and Hutton,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Leviston, Major, Miller, Mitchell, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—23.



*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Henry, Hodge, Moore, Morgan, Pennington, Reyburn, Sands, Stanford, and Todd—17.

So the instructions were laid upon the table.

Mr. Ewing moved a call of the Senate;

The ayes and noes being demanded by Messrs. Ewing and Burke,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Henry, Hodge, Moore, Morgan, Pennington, Reyburn, Sands, Stanford, and Todd—17.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Leviston, Major, Miller, Mitchell, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—23.

So the call of the Senate was not ordered.

Mr. Bradley moved an adjournment.

The ayes and noes being demanded by Messrs. Bradley and Davis of Floyd,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Henry, Hodge, Moore, Morgan, Pennington, Reyburn, Sands, Stanford, and Todd—17.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Leviston, Major, Miller, Mitchell, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wilber—23.

So the Senate did not adjourn.

Mr. Carr of Lawrence moved the previous question.

The ayes and noes being demanded by Messrs. Carr of Lawrence and Ritchey,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton,

Jones, Leviston, Major, Miller, Mitchell, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—23.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Henry, Hodge, Moore, Morgan, Pennington, Reyburn, Sands, and Stanford—16.

So the motion to have the main question propounded prevailed.

The question being upon the passage of the bill,

The ayes and noes being demanded by Messrs. Carr of Lawrence and Akin,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Leviston, Major, Miller, Mitchell, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—22.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Henry, Hodge, Moore, Morgan, Pennington, Reyburn, Sands, Stanford, Todd, and Wilber—18.

So the bill passed.

*Ordered,* That the House of Representatives be informed of the passage of said bill.

Mr. Defrees offered the following resolution :

*Resolved,* That when the Senate adjourns it will adjourn to meet on next Tuesday morning, at 9 o'clock.

The ayes and noes being demanded by Messrs. Morgan and Pennington,

*Those who voted in the affirmative are,*

Messrs. Bradley, Carr of Jackson, Chapman, Davis of Daviess, Defrees, Herriman, Hodge, Hutton, Jones, Mitchell, Read, Ritchey, Sinclear, Stanford, and Tannehill—15.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Burke, Carr of Lawrence, Cornett, Cotton, Davis of Floyd, Duzan, Ewing, Henry, Hoover, Leviston, Major, Miller, Moore, Morgan, Pennington, Reyburn, Sands, Shanks, Todd, Wilber and Wood—23.

So the resolution was not adopted.

Leave being granted,

Mr. Mitchell introduced,

No. 74. A bill to preserve the purity of elections; which was  
Read a first time and passed to a second reading.

On motion of Mr. Akin,

The vote upon the rejection of Mr. Defrees' resolution was reconsidered.

The question then recurring upon its adoption,

The ayes and noes being demanded by Messrs. Morgan and Bradley.

*Those who voted in the affirmative are,*

Messrs. Akin, Bradley, Carr of Jackson, Chapman, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Duzan, Ewing, Herriman, Hodge, Hutton, Jones, Mitchell, Read, Reyburn, Ritchey, Sinclear, Stanford, Tannehill, Todd, and Wood—22.

*Those who voted in the negative are,*

Messrs. Berry, Carr of Lawrence, Cornett, Henry, Leviston, Major, Miller, Moore, Morgan, Pennington, Sands, and Shanks—12.

So the resolution was adopted.

On motion of Mr. Chapman,

The Senate adjourned till Tuesday morning next.

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## TUESDAY MORNING, DEC. 22, 1843.

The Senate assembled.

On motion of Mr. Sands,

A call of the Senate was ordered.

And after a short time,

On motion of Mr. Read,

The further call was dispensed with.

The President laid before the Senate the report of James Blair, Commissioner on the Wabash and Erie canal west of Lafayette.

On motion of Mr. Davis of Daviess,

Said report was laid on the table and two hundred copies ordered to be printed.

The President also laid before the Senate a communication from the Auditor of State;

Which, together with the reports accompanying them, were,

On motion of Mr. Davis of Daviess,  
Referred to a select committee.

*Ordered*, That Messrs. Davis of Daviess, Pennington, Shanks, Ewing, Sands, and Davis of Floyd constitute said committee.

Mr. Read moved the following instructions to said committee :

"To abolish the two commissioners on said road, and make provision for the appointment of one commissioner ; and also to prohibit the issuing of scrip."

Mr. Ewing moved to lay the instructions upon the table ;

Which motion was negatived.

Mr. Chapman moved to amend the instructions as follows ;

"That the committee inquire into the expediency ;"

Which motion was negatived.

The question then recurring upon the adoption of the instructions,

The ayes and noes were demanded by Messrs. Akin and Ewing.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Lawrence, Cornett, Herriman, Hoover, Hutton, Leviston, Major, Miller, Mitchell, Morgan, Read, Reyburn, Ritchey, Sinclear, Stanford, Wilber, and Wood—19.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Burke, Carr of Jackson, Chapman, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Ewing, Henry, Hodge, Kennedy, Moore, Pennington, Pitcher, Sands, Shanks, Tanehill, and Todd—20.

So the instructions were rejected.

The President laid before the Senate a communication from S. Merrill, President of the State Bank ; which,

On motion of Mr. Chapman,

Was referred to the committee on the State Bank.

Messrs. Cornett and Jones were placed upon said committee in lieu of Messrs. Collett and Buell of Dearborn.

Mr. Davis of Daviess presented the petition of Joseph W. Weaver and other citizens of the town of Washington, Daviess county, praying for the passage of an act to locate a certain portion of Third street, in said town ; which was,

On motion of Mr. Davis of Daviess,

Referred to a select committee.

*Ordered*, That Messrs. Davis of Daviess, Morgan, and Stanford, constitute said committee.

Mr. Mitchell presented the remonstrance of James Read and other citizens of Miami county, against the appointment of M. W. Seely as a commissioner to restore and perfect the records of said county that had been destroyed by fire ; which,

On motion of Mr. Reyburn,

Was laid upon the table.

Leave being granted,

Mr. Mitchell offered the following resolution :

*Resolved*, That His Excellency the Governor be requested to return to the Senate the bill providing for the restoration of the records of Miami county ; .

Which was not adopted.

Mr. Hodge presented the petition of Samuel Hutchings and others, praying for the repeal of a local act of 1840, changing the location of a certain portion of the Hagerstown and Muncietown state road ; which was,

On motion of Mr. Hodge,

Referred to a select committee, composed of Messrs. Hodge, Reayburn, and Todd.

Mr. Miller presented the petition of A. D. Foster and other citizens of Gibson county, praying for the passage of an act to legalize the records of the board doing county business in said county ; which was,

On motion of Mr. Miller,

Referred to a select committee.

*Ordered*, That Messrs. Miller, Major, and Shanks be said committee.

Mr. Ewing presented the memorial of Charles Smith and other citizens of Knox county, praying of this General Assembly to memorialize Congress for lands out of the Vincennes, Shawneetown, and Palestine land districts, to remove the obstructions in the Wabash river ; which was,

On motion of Mr. Ewing,

Referred to the committee on federal relations.

Mr. Herriman presented the petition of A. W. Hendry and others, praying the passage of an act to legalize and confirm the appointment of Alonson W. Hendry, as school commissioner of Steuben county ; which was,

On motion of Mr. Herriman,

Referred to a select committee.

*Ordered*, That Messrs. Herriman, Sinclear, and Kennedy constitute said committee.

Mr. Ewing, from the committee on federal relations, made the following report :

**Mr. President :**

The committee on federal relations, to whom was referred "A joint resolution on the subject of organizing Oregon territory," report the same to the Senate with one amendment. Strike out all after the resolving clause, and insert :

"That if a proper scrutiny of the questions involved should satisfy the delegation of this State of the propriety of manifesting our national power in and over the Oregon Territory, or that region of country so called, in order to exclude the inroads of the subjects of other

governments, or to control the Indians within our boundaries, and afford due protection to all our citizens, or to extend our internal or external commerce, without infringing upon any treaty stipulations, our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to provide for a speedy organization thereof.

*"Resolved,* That the Governor is hereby requested to transmit a copy of the foregoing to each of our Senators and Representatives in Congress."

The amendment was concurred in, and the joint resolution ordered to be engrossed for a third reading.

Mr. Davis of Floyd, from the committee on the judiciary, submitted the following report :

**Mr. PRESIDENT :**

The committee on the judiciary, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of extending certain relief to county treasurers, have had the same under consideration, and have instructed me to report, that the subjects referred to in said resolution are now, or have been, before the Senate, in bills reported both by standing and select committees of the Senate. The committee therefore ask to be discharged from the further consideration of the same.

The report was concurred in and the committee accordingly discharged.

Mr. Davis of Floyd, from a select committee, made the following report :

**Mr. PRESIDENT :**

The select committee to which was referred the petition of William Beeler and three hundred others, praying for a change of the law on the subject of working on roads within the corporate limits of the city of New Albany, have had the same under consideration, and have instructed me to report the following bill :

No. 75. A bill to enable the mayor and council of the city of New Albany to appropriate certain labor for one year ;

Read a first time and passed to a second reading.

Mr. Bradley, from a select committee, made the following report :

**Mr. PRESIDENT :**

The select committee to whom was referred the petition of sundry citizens of Florida township, in Parke county, praying for an additional place of holding elections, have had that subject under consideration, and have directed me to report the following bill in compliance with the prayer of the petitioners.

No. 76. A bill creating an additional place of holding elections in Florida township, Parke county ;

Read a first time and passed to a second reading.

Mr. Davis of Daviess, from a select committee, made the following report :

**Mr. PRESIDENT :**

The select committee, to which was referred the petition of sundry citizens of Daviess county, upon the subject of vacating a certain street in the town of Washington, have had that subject under consideration, and have directed me to report the following bill :

No. 77. A bill to vacate a certain street in the town of Washington ;

Read a first time and passed to a second reading.

Mr. Akin, from a select committee, made the following report :

**Mr. PRESIDENT :**

The select committee to which was referred the petition of Henry K. Wilson and other citizens of Sullivan county, in relation to the location of a state road in Sullivan and Green counties, have considered that subject, and have instructed me to report the following bill :

No. 78. A bill to locate a state road in Sullivan and Green counties ;

Read a first time and passed to a second reading.

Mr. Herriman, from a select committee, submitted the following report :

**Mr. PRESIDENT :**

The select committee to whom was referred the petition of Thomas Gale and others, have had the same under consideration, and directed me to report the following bill :

No. 79. A bill to legalize the appointment of a school commissioner for the county of Steuben ;

Read a first time and passed to a second reading.

On motion of Mr. Carr of Lawrence,

*Resolved*, That the committee on canals and internal improvements be instructed to inquire what amendment, if any, is necessary to the law regulating the leasing of water power on the Central canal ; with leave to report by bill or otherwise.

On motion of Mr. Buell of Warren,

*Resolved*, That the committee on public buildings be instructed to inquire what repairs, if any, are necessary to be made to the State House ; and report by bill or otherwise.

On motion of Mr. Akin,

*Resolved*, That the committee on canals and internal improvements be requested to inquire into the expediency of modifying the existing

law providing for the organizing of companies for the purpose of completing unfinished portions of the public works, so as to hold out greater inducements on portions of said public works that are likely to be less productive than other portions more favorably situated.

Mr. Ewing offered the following resolution:

*Resolved,* That the committee on finance inquire into the expediency of equalizing taxation by extending our revenue laws to embrace all salaries and official fees amounting per annum to six hundred dollars and upwards; which was,

On motion of Mr. Dobson,

Laid upon the table.

*The following bills were introduced:*

By Mr. Leviston:

No. 80. An act to abolish the office of auditor in Union county; Which was read a first time and ordered to a second reading.

By Mr. Davis of Daviess:

No. 81. A bill to define more particularly the duties of county treasurers;

Which was read a first time and ordered to a second reading.

By Mr. Jones:

No. 82. A bill for the improvement of the town of Attica; Which was read a first time and ordered to a second reading.

By Mr. Hodge:

No. 83. A bill for the relief of Delaware and Grant counties; Which was read a first time and ordered to a second reading.

By Mr. Mitchell:

No. 84. A bill amendatory of an act to provide for restoring the records of Miami county, approved December, 1843;

Which was read a first time and ordered to a second reading.

By Mr. Davis of Daviess:

No. 85. A bill distributing the laws, &c. to the colleges therein named;

Read a first time, and ordered to a second reading.

By Mr. Miller:

No. 86. A bill concerning the titles of the holders of land in the seminary township in Gibson county, by virtue of purchases under the state;

Which was read a first and second times, the rules being suspended therefor, and,

On motion of Mr. Miller,

Referred to the committee on the judiciary.

No. 18. A bill (of the Senate) for the relief of purchasers of school lands;

Read a third time and passed.

No. 56. A bill (of the Senate) for the relief of James Vawter, of Jefferson county;

Read a third time and passed.



No. 69. A bill (of the Senate) to require the superintendent of the Wabash and Erie canal to give bond and take an oath of office;

Read a third time and passed.

No. 43. A bill (of the Senate) to amend an act entitled "An act prescribing the duties of county auditor;" approved Feb. 12th, 1841;

Read a third time, and passed; whereupon,

On motion of Mr. Hodge,

The title thereof was ordered to be,

No. 143. A bill amending the 19th article of the 12th chapter, article seven of the revised statutes of 1843, so far as the same relates to certain counties therein named.

No. 143. A bill (of the House) to legalize the sale of certain real estate of the minor heirs of James Whitaker, in the county of Noble;

Read a third time and passed.

No. 62. A bill (of the Senate) to repeal an act entitled "An act relating to public roads and highways;" approved February 17th, 1838; approved January 29th, 1842;

Read a third time, and passed.

No. 63. An act fixing the time of holding circuit courts in the several counties in the fifth judicial circuit;

Read a third time and passed.

No. 64. An act regulating the granting of licenses, in the counties of Adams, Allen, Huntington, and Wells;

Read a third time and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bills, and their concurrence requested in those of the Senate.

No. 48. A bill (of the Senate) to constitute the several boards of county commissioners in this state trustees of their respective county libraries;

Read a third time; whereupon,

On motion of Mr. Pitcher,

The counties of Posey and Vanderburgh, and,

On motion of Mr. Carr of Lawrence,

The county of Lawrence, (by the unanimous consent of the Senate,) were inserted in said bill, and,

The bill was considered engrossed, and passed.

No. 60. A joint resolution (of the House) in relation to certain repairs on the bridge across White river on the National road;

Read a third time and passed:

No. 52. A bill (of the Senate) to prohibit the sale of spirituous or fermented liquors in the town of Greensboro', in Henry county;

Read a third time, and,

The question being, shall the bill pass?

The ayes and noes being demanded by Messrs. Bradley and Hutton,

*Those who voted in the affirmative are,*

Messrs. Buell of Warren, Carr of Lawrence, Cornett, Davis of Daviess, Davis of Floyd, Henry, Hodge, Hoover, Leviston, Moore, Morgan, Pitcher, Sands, Shanks, Sinclear, Stanford, Tannehill, and Wilber—18.

*Those who voted in the negative are,*

Messrs. Bradley, Burke, Chapman, Cotton, Dobson, Herriman, Hutton, Kennedy, Major, Miller, Mitchell, Pennington, Ritchey, Read, Todd, and Wood—16.

So the bill passed.

No. 65. An act for the benefit of the illegitimate children of John T. McClelland;

Read a third time, and passed.

*Ordered*, That the House of Representatives be advised of the passage of said bills and joint resolutions, and their concurrence requested in those of the Senate.

No. 68. Allowing foreign and domestic merchandise in the counties of Noble, Lagrange, Steuben, and De Kalb, to be vended without license;

Read a second time, and,

On motion of Mr. Stanford,

Referred to the committee on finance.

On motion of Mr. Carr of Lawrence,

No. 26. A bill to dissolve the marriage contract between Peter S. Miller and Elizabeth his wife,

Was taken from the table; whereupon,

Mr. Todd moved its indefinite postponement.

The ayes and noes being demanded by Messrs. Todd and Miller,

*Those who voted in the affirmative are,*

Messrs. Carr of Lawrence, Cornett, Davis of Floyd, Duzan, Henry, Hodge, Hutton, Jones, Mitchell, Moore, Morgan, Pitcher, Reyburn, Sands, Shanks, Stanford, Todd, and Wilber—18.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Burke, Chapman, Cotton, Davis of Daviess, Herriman, Hoover, Kennedy, Leviston, Major, Miller, Pennington, Read, Ritchey, Sinclear, Tannehill, and Wood—18.

The Senate being equally divided, the President voted in the affirmative, and the bill was indefinitely postponed.

No. 70. A bill for the better security of the common school fund in Jackson county;

Being read a second time,  
 Mr. Stanford moved its reference to the committee on education.  
 Pending which, on motion of Mr. Wilber,  
 The county of Jefferson was inserted in the bill.  
 Mr. Chapman moved the following instructions to the committee:  
 "To insert the counties of Laporte, Porter, and Lake."  
 The ayes and noes being demanded by Messrs. Chapman and Carr  
 of Lawrence,

*Those who voted in the affirmative are,*

Messrs. Buell of Warren, Chapman, Davis of Floyd, Defrees, Duzan, Henry, Herriman, Jones, Mitchell, Moore, Sinclear, and Wilber  
 —12.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Bradley, Burke, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Dobson, Ewing, Hodge, Hoover, Hutton, Kennedy, Leviston, Morgan, Pennington, Pitcher, Read, Reyburn, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd and Wood—27.

So the instructions were rejected.

The question then recurring upon its reference to the committee on education,

The Senate decided in the affirmative.

No. 54. A bill (of the House) to declare the Mississinewa river a public highway;

Read a second time and ordered to a third reading.

No. 16. A bill (of the House) in relation to the Probate Court in Dubois county;

Read a second time, and ordered to a third reading.

No. 55. A bill (of the House) to change the time of holding Probate Courts in Martin county;

Read a second time, and passed to a third reading.

No. 41. A bill (of the House) to provide for the establishment of an additional place of holding elections in Vermillion county;

Read a second time, and ordered to a third reading.

No. 30. A bill (of the House) incorporating the first Presbyterian Church of Decatur;

Read a second time, and,

On motion of Mr. Herriman,

Referred to the committee on corporations.

No. 72. A bill (of the House) regulating elections in the counties of Adams and Jay;

Read a second time, and ordered to a third reading.

No. 52. A bill (of the House) concerning marks and brands;

Read a first and second times, (rules being suspended therefor,) and

On motion of Mr. Burke,

Referred to the committee on the judiciary.

No. 64. A bill (of the House) to restrict the assessment of a poll-tax within the county of Spencer;

Was read a second time, whereupon,

Mr. Cotton moved to strike out "Rockport," and insert "Indiana;"

Which motion prevailed.

Mr. Chapman moved to amend the bill by adding at the end of the last clause,

"Which publication shall be at the expense of the said county of Spencer;"

Which amendment prevailed.

On motion,

The Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

No. 64. A bill (of the House) to restrict the assessment of a poll-tax within the county of Spencer;

Which was under consideration when the Senate adjourned, was taken up, the amendments thereto ordered to be engrossed, and the bill passed to a third reading.

No. 61. A joint resolution (of the House) in relation to a light-house at City West;

Read a second time, and ordered to a third reading.

No. 72. A bill (of the Senate) changing the name of Henry Howell;

Read a second time and ordered to a third reading.

No. 74. A bill (of the Senate) to preserve the purity of elections;

Read a second time, and,

On motion of Mr. Chapman,

Referred to the committee on elections.

The following message was received from the House of Representatives, by Mr. English, their Principal Clerk:

Mr. President :

The House of Representatives has passed engrossed bill and joint resolution of the House, as follows:

No. 18. An act for the protection of wild fruits growing on public lands in the counties of Lake and Porter;

No. 91. A joint resolution in relation to an armory on the western waters;

In which the concurrence of the Senate is respectfully requested.

The House has also passed, without amendment, engrossed bill of the Senate,

No. 33. An act for the relief of William P. Andrews of the county of Rush.

I have also been directed by the House to inform the Senate that the House has concurred in the amendment of the Senate to engrossed bill of the House,

No. 100. An act to extend an act entitled "An act to compel speculators to pay a road tax," &c.

No. 18. An act for the protection of wild fruits growing on public lands in the counties of Lake and Porter;

Read a first time, and,

On motion of Mr. Chapman,

Referred to a select committee.

*Ordered*, That Messrs. Chapman, Defrees, and Mitchell constitute said committee.

The following message was received from the House of Representatives, by Mr. English, their Principal Clerk:

Mr. PRESIDENT:

I have been directed by the House of Representatives to inform the Senate that the House has passed engrossed bills and joint resolutions thereof, as follows:

No. 6. An act to abolish the office of county auditor in the county of Warrick, and for other purposes;

No. 169. An act to regulate the sale of real estate by executors, administrators, and guardians;

No. 87. An act to prevent speculation in Treasury Notes;

No. 118. An act for the relief of the owners of certain canal lands therein mentioned, lying in the county of Cass;

No. 12. An act for the relief of Michael Fitz Gibbon;

No. 73. An act amendatory and supplemental to an act entitled "An act providing for the election of three school commissioners in township No. 14 north of range 7 West, in Parke county," approved January 13th, 1842;

No. 37. An act to amend an act entitled "An act providing for the incorporation of towns;"

No. 138. An act relative to the surplus revenue in Union county;

No. 116. An act on the subject of scire facias;

No. 122. An act to authorize Charles Nelson to build a mill dam across the Wabash;

No. 125. An act to vacate a certain alley in the town of Bloomington;

No. 94. An act relating to the proof of title to State lands;

No. 93. A joint resolution in relation to a canal at the falls of the Ohio river;

No. 117. A bill correcting a discrepancy in the estray law;

No. 104. An act concerning the licensing of auctioneers in the city of Fort Wayne;

No. 110. An act to change the name of David Barker to the name of David Dobbins;

No. 109. An act to change the name of Henry Bragg to the name of Henry Rittenhour;

No. 106. An act for the encouragement of domestic manufactures;

No. 98. An act for the relief of George Belshaw;

No. 149. A joint resolution in relation to a grant of land for the completion of the northern end of the Central Canal;

No. 119. An act for the relief of Stephen Kitson;

No. 120. An act to provide for the relocation of the seat of justice in the county of Martin;

No. 123. An act declaring a certain road in Steuben county a State road;

No. 131. An act to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as relates to the county of Washington;

No. 88. An act vacating a certain alley therein named in the town of Delphi;

No. 75. An act to extend the provisions of certain laws therein named to the county of Wabash;

No. 50. An act to vacate the town of Lagrange;

No. 14. A joint resolution on the subject of postage;

No. 86. An act extending the provisions of a certain act therein named to the county of Kosciusko;

In which the concurrence of the Senate is respectfully requested.

The House has passed without amendment engrossed bills of the Senate, as follows:

No. 40. An act to legalize the proceedings of the county board of commissioners of the county of Monroe at the August session thereof;

No. 5. A bill relative to a certain State road in the county of Elkhart.

Each of said bills and joint resolutions was read a first time and ordered to a second reading, except the following:

No. 73. An act amendatory and supplemental to an act entitled "An act providing for the election of three school commissioners in township No. 14 north of range 7 west in Parke county, approved January 13, 1842;

Which was read a second time, the rules being suspended, and,

On motion of Mr. Bradley,

Referred to a select committee.

Ordered, That Messrs. Bradley, Cotton, and Berry, constitute said committee.

No. 109. An act to change the name of Henry Bragg to the name of Henry Rittenhour;

Which was read a second time, the rules being suspended; whereupon,

Mr. Chapman moved its reference to the committee on unfinished business ;

Which motion did not prevail.

So it was ordered to a third reading.

No. 93. A joint resolution in relation to a canal at the falls of the Ohio river ;

Which was read a first and second times, the rules being suspended therefor ; whereupon,

Mr. Buell of Warren moved its reference to the committee on federal relations ;

Which motion did not prevail.

So the joint resolution was ordered to a third reading.

No. 106. An act for the encouragement of domestic manufactures ;

Was read a first and second times, the rules being suspended therefor, and,

On motion of Mr. Davis of Floyd,

Referred to the committee on agriculture.

No. 149. A joint resolution in relation to a grant of land for the completion of the northern end of the Central Canal ;

Which was read a first and second times, the rules being dispensed with, and ordered to a third reading.

Mr. Duzan, from the committee on enrolled bills, made the following report :

Mr. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, viz :

No. 12. A bill to correct the plat of the town of Enochsburgh, in Franklin county ;

No. 3. A joint resolution on the subject of improving the navigation of the Mississippi, Ohio, and Wabash rivers ;

No. 53. A bill for the relief of William P. Andrews, of the county of Rush ;

And find the same correctly enrolled.

Mr. Dobson introduced,

No. 87. A bill to suspend for a limited time an act therein named ;

Read a first time and ordered to a second reading.

On motion of Mr. Pennington,

The Senate adjourned.

## WEDNESDAY MORNING, DEC. 27, 1843.

The Senate assembled.

Mr. Mitchell presented the petition of David Wheeler, and other citizens of Kosciusko county, for the review of the county seat; which was,

On motion of Mr. Mitchell,

Referred to the same select committee to whom had been previously referred a petition upon the same subject.

Also, the remonstrance of the county officers of Kosciusko county against the removal of the county seat thereof.

Referred to the same committee.

Also, the remonstrance of Wm. C. Graves, and several hundred other citizens of said county, upon the same subject.

Referred to the same committee.

Mr. Cornett, from the committee on education, made the following report:

Mr. PRESIDENT:

The committee on education, to whom was referred bill of the House No. 85, entitled, "A bill to authorize the school commissioner of Pike county to loan the common school fund of said county on personal security," have had the same under consideration and directed me to report it back to the Senate and recommend its passage. The committee, at the same time, would not be understood by this report as favoring the idea of lending school funds generally on personal security, but, on the contrary, would regard such a course as unsafe and impolitic. They are advised that the passage of the bill for Pike county is necessary to secure from loss about \$1,500, which by this means can be saved.

No. 85. A bill (of H. R.) to authorize the school commissioner of Pike county to loan the common school fund on personal security;

Read a second time and passed to a third reading.

Mr. Hutton, from the committee on canals and internal improvements, made the following report:

Mr. PRESIDENT:

The committee on canals and internal improvements, to whom was referred sundry resolutions, Nos. 11, 15, and 16, have had the same under consideration, and directed me to make the following report: That the introducers having accomplished their aim, to-wit: the entry of their names on the Journal, the committee think further legislation on the subject inexpedient, and ask the Senate to discharge them from any further consideration thereof.



Which report was concurred in, and the committee accordingly discharged.

Mr. Miller, from the committee on corporations, submitted the following report:

Mr. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate No. 47, entitled, "A bill to provide for the education of the deaf and dumb in the State of Indiana, have had that bill under consideration, and have instructed me to report the same back to the Senate with two amendments, and recommend its passage.

Amend section 10 by filling the blank with the word "one."

Amend section 11 by inserting after the words "General Assembly," the words "and annually thereafter."

Amendments concurred in, and the bill ordered to a third reading.

Mr. Cotton, from a select committee, made the following report:

Mr. PRESIDENT:

The select committee to whom was referred the petition of the board doing county business of Perry county, on the subject of county auditor and school commissioner, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 88. A bill to provide for the appointment of a county auditor and school commissioner for the county of Perry;

Read a first time and passed to a second reading.

Mr. Bradley, from a select committee, made the following report:

Mr. PRESIDENT:

The select committee to whom was referred bill of the House of Representatives No. 73, extending the provisions of an act entitled "An act for the election of three school commissioners in township No. 14, north of range No. 7, in Parke county, in township 8, range 1 west, in Franklin county, have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

The said bill was ordered to a third reading.

Mr. Parks offered the following resolution:

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed, on to-morrow at 10 o'clock, A. M., to elect a general superintendent on the Wabash and Erie canal; also, Agent of State; which,

On motion of Mr. Defrees,

Was laid upon the table.

On motion of Mr. Sinclear,

*Resolved*, That the committee on canals and internal improvements

be instructed to inquire into the expediency of extending the time of final payment to purchasers of Wabash and Erie canal lands east of Tippecanoe; with leave to report by bill or otherwise.

# BILLS INTRODUCED.

By Mr. Read :

No. 89. A bill to incorporate the Trustees of the Madison University; which was

Read a first and second times, the rules being suspended therefor; whereupon,

Mr. Read moved its reference to the committee on education;

Which motion failed.

On motion of Mr. Davis of Daviess,

The said bill was referred to the committee on corporations.

By Mr. Todd :

No. 90. A bill for the relief of the borrowers of the surplus revenue fund;

Read a first time and passed to a second reading.

By Mr. Herriman :

No. 91. A bill providing for the location of a State road in the counties of Noble and Lagrange;

Read a first time and passed to a second reading.

Message from the House by Mr. English, principal clerk:

Mr. PRESIDENT :

The House of Representatives has passed engrossed bills thereof:

No. 194. An act to establish a certain road therein named a state road;

No. 29. An act postponing the time for the payment of taxes;

No. 82. An act postponing the time of paying taxes for the year 1843;

In which the concurrence of the Senate is respectfully requested.

The House has also concurred in the amendment of the Senate to engrossed bill of the House,

No. 101. An act to provide for the election of Agent of State; State Printer; Commissioner or Superintendent on the Wabash and Erie Canal, and other officers by *viva voce*;

Which said bills were severally read a first time, and ordered to a second reading.

No. 34. A joint resolution (of the Senate) on the subject of organizing Oregon Territory;

Read a third time and passed.

No. 61. A joint resolution (of the House) in relation to a light-house at City West;

Read a third time and passed.

No. 109. A bill (of the House) to change the name of Henry Bragg to Henry Rittenhour;

Read a third time, and,

On motion of Mr. Wood,

Referred to a select committee with the following instructions:

"To strike out the name of Henry Bragg and insert Henry Howell."

*Ordered*, That Messrs. Wood, Carr of Lawrence, and Ritchey constitute said committee.

No. 149. A joint resolution (of the House) in relation to a grant of land for the completion of the northern end of the Central Canal;

Read a third time and passed.

No. 93. A joint resolution (of the House) in relation to a Canal at the falls of the Ohio river;

Read a third time and passed.

No. 54. A bill (of the House) to declare the Mississinewa river a public highway;

Read a third time, and,

On motion of Mr. Reyburn,

Was laid upon the table.

No. 16. A bill (of the House) in relation to the Probate courts in Dubois county;

Read a third time and passed.

No. 55. A bill (of the House) to change the time of holding Probate courts in Martin county;

Read a third time and passed.

No. 41. A bill (of the House) to provide for the establishment of an additional place of holding elections in Vermillion county;

Read a third time and passed.

No. 72. A bill (of the House) regulating elections in the counties of Adams and Jay;

Read a third time and passed.

No. 64. A bill (of the House) to restrict the assessment of a poll-tax within the county of Spencer;

Read a third time and passed.

*Ordered*, That the House of Representatives be informed of the passage of said joint resolutions and bills, and their concurrence requested in those of the Senate.

No. 2. A joint resolution (of the House) in relation to refunding the fine imposed upon General Andrew Jackson, and for other purposes;

Read a time; whereupon,

Mr. Davis of Daviess moved to postpone the consideration thereof until Friday next;

The ayes and noes being demanded by Messrs. Herriman and Davis of Daviess,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Burke, Chapman, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Henry, Hodge, Kennedy, Moore, Morgan, Pennington, Reyburn, Reeve, Sands, Stanford, Todd, and Wilber—25.

*Those who voted in the negative are,*

Messrs. Berry, Carr of Jackson, Carr of Lawrence, Duzan, Hoover, Herriman, Hutton, Jones, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—19.

So the consideration of the bill was so postponed.

No. 76. A bill (of the Senate) creating an additional place of holding elections in Florida township, in Parke county,

Being read a second time,

On motion of Mr. Bradley,

The rules were suspended, the bill read a third time and passed.

*Ordered*, That the House of Representatives be advised of the passage of said bill, and their concurrence therein requested.

No. 77. A bill (of the Senate) to vacate a certain street in the town of Washington;

Read a second time and ordered to be engrossed for a third reading.

No. 78. A bill (of the Senate) to locate a state road in Sullivan and Green counties;

Read a second time and ordered to be engrossed for a third reading.

No. 79. A bill to legalize the appointment of a school commissioner for the county of Steuben;

Read a second time and ordered to be engrossed for a third reading.

No. 80. A bill (of the Senate) to abolish the office of Auditor in the county of Union;

Read a second time, and,

On motion of Mr. Chapman,

Referred to the committee on finance.

No. 81. A bill (of the Senate) to define more particularly the duties of County Treasurers;

Read a second time; whereupon,

Mr. Chapman moved its reference to the committee on finance;

Which motion failed.

Mr. Carr of Jackson moved its indefinite postponement.

The ayes and noes being demanded by Messrs. Davis of Daviess and Carr of Jackson,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Davis of Floyd, Herriman, Hoover, Mitchell, Moore, Pennington, Pitcher, Reyburn, and Shanks—15.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Burke, Cotton, Davis of Daviess, Dobson, Duzan, Ewing, Farmer, Henry, Hodge, Hutton, Jones, Kennedy, Leviston, Major, Miller, Morgan, Parks, Read, Reeve, Ritchey, Sands, Sinclear, Stanford, Tannehill, Wilber, and Wood—29.

So the bill was not indefinitely postponed.

Mr. Chapman offered the following amendment :

"Provided, that the provisions of this bill shall not apply to the counties of Laporte, Porter, and Lake ;"

Which amendment prevailed.

Mr. Pitcher moved to amend the amendment by inserting Posey and Vanderburgh counties ;

Mr. Defrees—The counties of St. Joseph, Marshall, and Fulton ;

Mr. Mitchell—The counties of Elkhart, Kosciusko, and Whitley ;

Mr. Bradley—The county of Parke ;

Mr. Moore—The county of Montgomery ;

All of which were accepted by the mover : whereupon,

On motion of Mr. Parks,

The bill and amendments were laid upon the table.

No. 82. A bill for the improvement of the town of Attica ;

Read a second time and ordered to be engrossed for a third reading.

No. 83. A bill (of the Senate) for the relief of Delaware and Grant counties ;

Read a second time, and,

On motion of Mr. Herriman,

Referred to the committee on finance.

No. 84. A bill (of the Senate) amendatory of an act to provide for restoring the records of Miami county, approved December, 1843 ;

Read a second time ; whereupon,

Mr. Pitcher moved its reference to a select committee.

Mr. Reyburn moved its indefinite postponement.

The ayes and noes being demanded by Messrs. Defrees and Herriman,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Jones, Moore, Morgan, Pennington, Reyburn, Sands, Stanford, and Todd—18.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Dobson, Duzan, Herriman, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Pitcher, Read, Reeve, Ritchey, Shanks, Tannehill, Wilber, and Wood—26.

So the bill was not indefinitely postponed.

The question then recurring upon its reference to a select committee,

The Senate decided in the affirmative.

Mr. Read offered the following instructions :

"To inquire into the expediency of introducing a joint resolution suspending the operation of an act passed at the present session on that subject ;"

Which prevailed.

*Ordered*, That Messrs. Pitcher, Defrees, Reyburn, and Mitchell constitute said committee.

No. 85. A bill distributing the laws, &c., to the different colleges therein named ;

Read a second time, and,

On motion of Mr. Davis of Daviess,

Laid upon the table.

No. 91. A joint resolution (of the House) relating to an armory on the western waters ;

Read a second time ; whereupon,

Mr. Carr of Lawrence moved its reference to the committee on federal relations.

Mr. Pitcher moved the following instructions :

"Strike out Pittsburgh, and insert Blairsville, in the county of Posey."

Mr. Chapman moved to amend the instructions by striking out "Blairsville in the county of Posey," and inserting "Michigan City in the county of Laporte."

Mr. Herriman moved a division of the question upon striking out ;  
Pending which,

On motion of Mr. Sands,

The instructions were laid upon the table.

Mr. Pitcher moved to lay the joint resolution upon the table ;

Which motion did not prevail.

The question then recurring upon its reference to the committee on federal relations,

The Senate decided in the affirmative.

No. 169. A bill (of the House) to regulate the sale of real estate by executors, administrators, and guardians ;

Read a second time, and,

On motion of Mr. Stanford,

Referred to the committee on the judiciary.

No. 6. A bill (of the House) to abolish the office of county auditor in the county of Warrick, and for other purposes ;

Read a second time, and,

On motion of Mr. Chapman,

Referred to the committee on finance.

No. 87. A bill (of the House) to prevent speculation in Treasury Notes ;

Read a second time, and,

On motion of Mr. Chapman,

Referred to the committee on the judiciary.

No. 118. A bill (of the House) for the relief of the owners of certain canal lands, therein mentioned, lying in the county of Cass ;

Read a second time, and,

On motion of Mr. Herriman,

Laid upon the table.

On motion of Mr. Dobson,

The following message, received from the House of Representatives by Mr. English, their Principal Clerk,  
Was taken up for consideration.

Mr. PRESIDENT :

I have been directed by the House of Representatives to inform the Senate that the House has passed engrossed bill thereof,

No. 198. An act to legalize the proceedings of the board of county commissioners of Green county ;

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time ; whereupon,

On motion of Mr. Dobson,

The rules were suspended, the bill was read a second and third times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill.

No. 12. A bill (of the House) for the relief of Michael Fitzgibbons ;

Read a second time and ordered to a third reading.

No. 14. A joint resolution (of the House) on the subject of postage ;

Read a second time and ordered to a third reading.

No. 37. A bill (of the House) to amend an act entitled, " An act providing for the incorporation of towns ; "

Read a second time, and,

On motion of Mr. Carr of Lawrence,

Referred to the committee on corporations.

No. 116. A bill (of the House) on the subject of scire facias ;

Read a second time, and,

On motion of Mr. Pitcher,

Was laid upon the table.

No. 122. A bill (of the House) to authorize Charles Nelson to build a mill dam across the Wabash ;

Read a second time and ordered to a third reading.

No. 125. A bill (of the House) to vacate a certain alley in the town of Bloomington ;

Read a second time and ordered to a third reading.

No. 94. A bill (of the House) relating to the proof of title to state lands ;

Read a second time and ordered to a third reading.

No. 117. A bill (of the House) correcting a discrepancy in the estray law ;

Read a second time ; whereupon,

Mr. Pennington moved the following amendment :

Sec. —. That hereafter all advertisements of estrays shall be published in some newspaper published in the county where the estray is taken up, if any is published in said county ; and if not, then in some newspaper printed nearest thereto.

On motion of Mr. Chapman,  
The bill and amendment were referred to a select committee.  
*Ordered*, That Messrs. Pennington, Morgan, and Stanford constitute said committee.

No. 104. A bill (of the House) concerning the licensing of auctioneers in the city of Fort Wayne;

Read a second time and ordered to a third reading.

No. 110. A bill (of the House) to change the name of David Barker to the name of David Dobbins;

Read a second time and ordered to a third reading.

No. 98. A bill (of the House) for the relief of George Belshaw;

Read a second time and ordered to a third reading.

On motion,  
The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

No. 119. A bill (of the House) for the relief of Stephen Kitson;  
Read a second time, and,

On motion of Mr. Morgan,  
Referred to the committee on education.

No. 120. A bill (of the House) to provide for the relocation of the seat of justice of Martin county;

Read a second time, and,

On motion of Mr. Davis of Daviess,  
Referred to a select committee.

*Ordered*, That Messrs. Davis of Daviess, Read, and Morgan constitute said committee.

No. 123. A bill (of the House) declaring a certain road in Steuben county a state road;

Read a second time and ordered to a third reading.

No. 131. A bill (of the House) to amend the fourth article of the sixteenth chapter of the Revised Statutes of 1843, so far as relates to the county of Washington;

Read a second time; whereupon,

On motion of Mr. Carr of Jackson,  
The county of Jackson was inserted in said bill.

On motion of Mr. Shanks,

The rules were suspended, the bill read a third time, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill.

No. 88. A bill (of the House) vacating a certain alley therein named, in the town of Delphi;

Read a second time and ordered to a third reading.



No. 75. A bill (of the House) to extend the provisions of certain laws therein named to the county of Wabash ;

Read a second time and ordered to a third reading.

No. 50. A bill (of the House) to vacate the town of Lagrange ;

Read a second time and ordered to a third reading.

No. 86. A bill (of the House) extending the provisions of a certain act therein named to the county of Kosciusko ;

Read a second time and ordered to a third reading.

No. 87. A bill (of the Senate) to suspend for a limited time a part of an act therein named ;

Read a second time ; whereupon,

Mr. Mitchell moved to lay it upon the table ;

Which motion did not prevail.

Mr. Chapman moved its indefinite postponement.

The ayes and noes being demanded by Messrs. Dobson and Chapman,

*Those who voted in the affirmative are,*

Messrs. Berry, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Duzan, Herriman, Hodge, Hoover, Hutton, Kennedy, Levis-ton, Major, Mitchell, Parks, Read, Reeve, Ritchey, Shanks, Sinclear, Tannehill, Todd, Wilber, and Wood—25.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Davis of Floyd, Defrees, Dobson, Farmer, Henry, Jones, Miller, Moore, Morgan, Pennington, Pitcher, Reyburn, Sands, and Stanford—20.

So the bill was indefinitely postponed.

No. 75. A bill (of the Senate) to enable the mayor and council of the city of New Albany to appropriate certain labor for one year ;

Read a second time and ordered to a third reading.

On motion of Mr. Davis of Daviess,

The Senate adjourned.

THURSDAY MORNING, DEC. 28, 1843.

The Senate assembled.

Mr. Hoover, from the committee on finance, submitted the following report :

Mr. PRESIDENT :

The committee on finance, to whom was referred "An act for the relief of Delaware and Grant counties," have had that subject under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend the passage of the bill.

Which bill, being read a second time,

Mr. Chapman moved to amend by striking out the proviso in the first section of the bill ;

Which motion failed ; and

The bill was ordered to be engrossed for a third reading.

Mr. Wilber, from the same committee, made the following report :

Mr. PRESIDENT :

The committee on finance, to which was referred the resolution in relation to changing the time of the meeting of the General Assembly, have had the same under consideration, and have instructed me to report, that the committee deem it inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee accordingly discharged.

Mr. Leviston, from the same committee, made the following report :

Mr. PRESIDENT :

The committee on finance, to which was referred so much of the message of His Excellency the Governor as relates to the state debt, and communications from bond holders, have had that subject under consideration, and have instructed me to report, that that subject has already been before the Senate, and that any further consideration of the matter by the committee would be unnecessary ; hence they ask to be discharged from the further consideration thereof.

Concurred in, and the committee accordingly discharged.

Mr. Bradley, from the committee on finance, made the following report :

Mr. PRESIDENT :

The committee on finance, to whom was referred a resolution of the Senate, directing them to inquire into the expediency of reducing the

salary of the State Librarian and Keeper of the State House, have, according to order, had that subject under consideration, and have directed me to report the following bill and recommend its passage.

No. 92. An act reducing the salary of the Keeper of the State House and Librarian ;

Read a first time, and,

On motion of Mr. Cornett,

Laid upon the table.

Mr. Akin, from the same committee, made the following report :

**Mr. PRESIDENT :**

The committee on finance, to which was referred bill of the Senate No. 66, entitled, " A bill the better to secure the payment of the revenue into the State Treasury, in such funds as are collected by the county treasurers," have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

Which bill, being read a second time, was ordered to be engrossed for a third reading.

Mr. Bradley, from the same committee, made the following report :

**Mr. PRESIDENT :**

The committee on finance, to whom was referred bill No. 68, have had the same under consideration, and directed me to report the same back, with one amendment, and recommend its passage.

Which amendment was concurred in, and the bill, being read a second time, was ordered to be engrossed for a third reading.

Mr. Carr of Lawrence, from the committee on education, submitted the following report :

**Mr. PRESIDENT :**

The committee on education, to which was referred a resolution of the Senate, directing said committee to inquire into the expediency of applying the bank tax school fund directly to purposes of common schools, have had the same under consideration, and have directed me to report the following bill and recommend its passage :

No. 93. A bill to appropriate the bank tax school fund to the inhabitants of the several counties in this State ;

Which, being read a first time, was ordered to a second reading.

Mr. Reeve, from the committee on enrolled bills, made the following report :

**Mr. PRESIDENT :**

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, viz. :

No. 5. An act relative to a certain state road in the county of Elkhart;

No. 40. An act to legalize the proceedings of the board of commissioners of the county of Monroe at the August session thereof, 1841;

And find the same correctly enrolled.

Mr. Cornett, from the committee on education, made the following report:

Mr. PRESIDENT:

The committee on education to which was referred a resolution of the Senate, instructing the committee to inquire into the expediency of selling or leasing the saline lands in Brown county, have had the same under consideration, and are of opinion that the law as it now exists, should not be changed in reference to said lands. By reference to chapter 13, article 12, of the late revision, it will be found that the auditor of the county of Brown has the general care and supervision of the saline lands in that county, and also power to sell the same. For terms of sale, see article XI, sect. 141, Revised Code. The committee ask to be discharged from the further consideration of the subject.

Concurred in, and the committee accordingly discharged.

Mr. Alexander, from the committee on roads, made the following report:

Mr. PRESIDENT:

The committee on roads, to whom was referred a resolution of the Senate, directing said committee to inquire into the expediency of so amending the road law as to require the supervisors of roads and highways to make their returns on the first Monday in June instead of the first Monday in May, have had the subject under consideration, and have directed me to report, that they consider a change in the existing laws upon the subject expedient, and herewith report a bill, in conformity with their views, and recommend its passage.

No. 94. A bill authorizing and directing supervisors of public roads and highways to make their returns to the boards of commissioners of their respective counties at the June term thereof;

Which bill was read a first time and ordered to a second reading on to-morrow.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk:

Mr. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bills of the House, to-wit:

No. 129. An act to reduce the compensation of county auditor of Ripley;

No. 100. An act to extend an act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers, approved Jan. 31, 1842;

No. 21. An act to legalize the proceedings of the board of commissioners of the county of Allen at a special session thereof;

No. 7. An act to authorize Sarah Ann Lockwood, a minor, to unite with her husband, Charles U. Lockwood, in the conveyance of real estate;

No. 9. An act to repeal an act to authorize the removal of the obstructions to the free passage of the water down Mud Creek, and the Mill Fork of Eel river in Morgan county," approved February 10th, 1841;

No. 101. An act to provide for the election of Agent of State, State Printer, Commissioner or Superintendent on the Wabash and Erie Canal, and other officers, by *viva voce*;

Which I am directed to bring to the Senate for the signature of the President thereof.

And thereupon, the President signed said acts.

Mr. Carr of Jackson, from a majority of the committee on the State Library, submitted the following report:

Mr. PRESIDENT:

The standing committee on the State Library, to whom was referred bill of the Senate No. 38, entitled, "A bill to transfer the duties of State Librarian to the Secretary of State, and for other purposes," have, according to order, examined the subject matter of said bill, and a majority of the committee are of the opinion that the public interest would be subserved by the passage of the bill. A majority of the committee therefore have directed me to report the bill back to the Senate, without amendment, and recommend its passage.

Which bill, being a second time read,

Mr. Chapman moved its reference to a select committee of three;

Which motion prevailed.

Ordered, That Messrs. Chapman, Todd, and Read, constitute said committee.

Mr. Miller, from the committee on corporations, submitted the following report:

Mr. PRESIDENT:

The committee on corporations, to whom was referred bill of the House of Representatives, No. 30, entitled, "A bill incorporating the First Presbyterian Church of Decatur," have had that bill under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

Which bill, being read a second time, was ordered to be engrossed for a third reading.

Mr. Wood, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to which was referred bill of the House of Representatives, No. 109, entitled, "A bill to change the name of Henry Bragg to the name of Henry Rittenhour, and for other purposes," have had the same under consideration, and have directed me to report the same back, with the following amendments, and recommend its passage :

1st. Amend by striking out the name of Henry Bragg and inserting the name of Henry Howell.

Amend the 2d section by striking out the word "as" in the fourth line, and inserting the word "which ;"

Which amendments were concurred in, ordered to be engrossed, and the bill passed to a third reading.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

The Speaker of the House of Representatives has signed the following enrolled bills of the Senate, entitled,

No. 40. An act to legalize the proceedings of the board of commissioners of the county of Monroe at the August session thereof, 1841 ;

No. 5. An act relative to a certain State road in the county of Elkhart ;

Which I have been directed to bring to the Senate for the signature of the President thereof.

And thereupon, the President signed said bills.

Mr. Davis of Daviess offered the following resolution :

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed, on Friday the 29th inst., at half past ten o'clock, A. M., to the election of State Agent, Commissioner on the Wabash and Erie Canal, and State Librarian.

Mr. Defrees moved to lay said resolution upon the table.

The ayes and noes being demanded by Messrs. Herriman and Defrees,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Chapman, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Henry, Hodge, Moore, Morgan, Parks, Reeve, Reyburn, Sands, Stanford, Todd, and Walpole—21.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Pennington, Pitcher, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—24.

So the resolution was not laid upon the table.

On motion of Mr. Carr of Jackson,

So much of said resolution as relates to State Librarian was stricken out.

Mr. Bradley moved to strike out so much thereof as relates to the Commissioner on the Wabash and Erie Canal.

The ayes and noes being demanded by Messrs. Herriman and Bradley,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Burke, Cornett, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Pennington, Pitcher, Reeve, Reyburn, Stanford, Todd, Walpole, and Wilber—21.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Cotton, Davis of Daviess, Duzan, Herriman, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Sands, Shanks, Sinclear, Tannehill, and Wood—25.

So the motion did not prevail.

On motion of Mr. Ritchey,

The word "Commissioner," was stricken out and "General Superintendent" inserted.

Mr. Buell of Warren moved to strike out "Friday" and insert "Saturday ;"

Which motion was negatived.

The question then recurring upon the adoption of the resolution as amended,

The ayes and noes being demanded by Messrs. Sinclear and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Dobson, Duzan, Ewing, Herriman, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—25.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Chapman, Cornett, Cotton, Davis of Floyd, Defrees, Farmer, Henry, Hodge, Morgan, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, and Walpole—21.

So the resolution was adopted.

*Ordered,* That the House of Representatives be informed of the adoption of said resolution, and the concurrence of the House be therein requested.

#### BILLS INTRODUCED.

By Mr. Morgan :

No. 95. A bill to amend "An act regulating the practice in chancery, and regulating the practice in suits at law ; which was

Read a first time, and,

On motion of Mr. Morgan,

The rules were dispensed with, the bill was read a second time, and

Referred to the committee on the judiciary.

By Mr. Todd :

No. 96. A bill to authorize the issuing of a patent for a part of a lot of canal land ;

Read a first time and ordered to a second reading.

By Mr. Berry :

No. 97. A bill providing for the repair of roads in certain cases ;

Read a first time, and,

On motion of Mr. Berry,

The rules were dispensed with, the bill was read a second time, and

Referred to the committee on roads.

By Mr. Davis of Daviess :

No. 98. A bill to reduce the fees of the several clerks of the probate courts of this State ;

Read a first time and ordered to a second reading.

By Mr. Miller :

No. 99. A bill to amend an act entitled "An act to provide for opening and repairing roads and highways in the counties of Gibson and Pike," approved January 31st, 1842 ;

Read a first time and ordered to a second reading.

By Mr. Duzan :

No. 100. A bill to legalize the election of probate judge in the county of Boone ;

Read a first time and ordered to a second reading.

No. 85. A bill (of H. R.) to authorize the school commissioner of Pike county to loan the common school fund of Pike county on personal security ;

Read a third time and passed.



No. 47. A bill (of Senate) to provide for the education of the deaf and dumb in the State of Indiana,

Being read a third time,

On motion of Mr. Herriman,

The name of Livingston Dunlap, and,

On motion of Mr. Davis of Floyd,

The names of James Morrison and Love S. Jamison were, by unanimous consent of the Senate, inserted at the proper place in the first section of the bill.

Mr. Davis of Daviess moved to recommit the bill to the committee on corporations, with the following instructions:

"1st—amend and provide that the various orders of Christians shall have an equal interest in the board of trustees.

2d—and that the Governor shall fill the vacancies."

Mr. Parks moved to lay the motion with the instructions upon the table.

The ayes and noes being demanded by Messrs. Davis of Daviess and Parks,

*Those who voted in the affirmative are,*

Messrs. Buell of Warren, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Floyd, Defrees, Duzan, Ewing, Henry, Hodge, Hoover, Kennedy, Leviston, Major, Miller, Moore, Parks, Pennington, Read, Reyburn, Sands, Shanks, Stanford, Tannehill, Todd, and Wood—28.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Bradley, Burke, Davis of Daviess, Dobson, Farmer, Herriman, Hutton, Mitchell, Morgan, Reeve, Ritchey, Sinclear, Walpole, and Wilber—16.

So the motion and instructions were laid upon the table.

Mr. Read moved a reconsideration upon said vote;

Which motion did not prevail.

The question then being,

Shall the bill pass?

The Senate decided in the affirmative.

No. 73. A bill (of the House) amendatory and supplemental to an act entitled, "An act for the election of three school commissioners in township No. 14 north, of range No. 7 west, in Parke county," approved January 13th, 1842;

Was read a third time and passed.

No. 77. A bill (of the Senate) to vacate a certain street in the town of Washington;

Was read a third time and passed.

No. 78. A bill (of the Senate) to locate a state road in Sullivan and Green counties;

Was read a third time and passed.

No. 79. A bill (of the Senate) to legalize the appointment of a school commissioner for the county of Steuben ;

Was read a third time and passed.

No. 82. A bill (of the Senate) for the improvement of the town of Attica ;

Was read a third time and passed.

No. 12. A bill (of the House) for the relief of Michael FitzGibbons ;

Read a third time and passed.

No. 14. A joint resolution (of the House) on the subject of postage ;

Read a third time and passed.

No. 100. [An act to extend an act entitled, "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31st, 1842 ;]

Read a third time.

Mr. Chapman moved to recommit it to a select committee, with instructions to "incorporate a provision continuing the responsibility of the county."

The ayes and noes being demanded by Messrs. Ewing and Read,

*Those who voted in the affirmative are,*

Messrs. Alexander, Carr of Lawrence, Chapman, Davis of Daviess, Davis of Floyd, Duzan, Hodge, Hutton, Miller, Mitchell, Moore, Morgan, Parks, Stanford, and Walpole—15.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Cotton, Ewing, Farmer, Henry, Herriman, Hoover, Kennedy, Leviston, Major, Pennington, Pitcher, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Sinclear, Tannehill, Todd, Wilber, and Wood—28.

So the motion did not prevail.

Mr. Davis of Daviess moved to lay the bill upon the table ;

Which motion was negatived.

Mr. Ewing moved its indefinite postponement.

The ayes and noes being demanded by Messrs. Akin and Ewing,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Farmer, Henry, Kennedy, Mitchell, Moore, Pitcher, Read, Reeve, Reyburn, Sands, Shanks, Stanford, and Wilber—25.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Cotton, Herriman, Hodge, Hoover, Hutton, Leviston, Major, Morgan, Parks, Pennington, Ritchey, Sinclear, Tannehill, Todd, Walpole, and Wood—18.

So the bill was indefinitely postponed.

No. 122. A bill (of the House) to authorize Charles Nelson to build a mill dam across the Wabash ;

Read a third time and passed.

No. 125. A bill (of the House) to vacate a certain alley in the town of Bloomington, Monroe county ;

Read a third time and passed.

No. 94. A bill (of the House) relating to the proof of title to state lands ;

Read a third time and passed.

No. 104. A bill (of the House) concerning the licensing of auctioneers in the city of Fort Wayne :

Read a third time and passed.

No. 110. A bill (of the House) to change the name of David Barker to the name of David Dobbins ;

Read a third time and passed.

No. 98. A bill (of the House) for the relief of George Belshaw ;

Read a third time and passed.

No. 123. A bill (of the House) declaring a certain road in Steuben county a state road ;

Read a third time and passed.

No. 75. A bill (of the House) to extend the provisions of certain laws therein named to the county of Wabash ;

Read a third time, and,

On motion of Mr. Reyburn,

Was laid upon the table.

No. 88. A bill (of the House) vacating a certain alley therein named, in the town of Delphi ;

Read a third time and passed.

No. 50. A bill (of the House) to vacate the town of Lagrange ;

Read a third time and passed.

No. 86. A bill (of the House) extending the provisions of a certain act therein named to the county of Kosciusko ;

Read a third time and passed.

No. 75. A bill (of the Senate) to enable the mayor and council of the city of New Albany to appropriate certain labor for one year ;

Read a third time and passed.

*Ordered*, That the House of Representatives be advised of the passage of said bills and joint resolutions, and the concurrence of the House be therein requested.

No. 88. A bill (of the Senate) to provide for the appointment of a county auditor and school commissioner for the county of Posey ;

Read a second time and ordered to be engrossed for a third reading.

No. 90. A bill (of the Senate) for the relief of borrowers of the surplus revenue fund ;

Read a second time and ordered to be engrossed for a third reading.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

No. 91. A bill (of the Senate) providing for the location of a state road in the counties of Noble and Lagrange ;

Read a second time and ordered to a third reading.

No. 194. A bill (of the House) to establish a certain road therein named a state road ;

Read a second time and ordered to a third reading.

No. 82. A bill (of the House) postponing the time of paying taxes for the year 1843 ;

Read a second time ; whereupon,

Mr. Herriman moved its reference to the committee on finance.

Pending which,

On motion of Mr. Bradley,

The said bill was laid upon the table.

On motion of Mr. Davis of Floyd,

*Resolved*, That M. G. Bright, Esq., State Agent, be requested to report to the Senate,

1st. What number of suits are now pending in the courts east, in which the State of Indiana is interested, if any ; in what courts ; the names of the parties, their solvency, and what amount will probably be collected of each ; what attorney has been employed for the State of Indiana in each case, and at what compensation ; when and by whom the suits were respectively instituted.

2d. How many trips the Agent of State has made east on the business of the State since the close of the last session ; what time was consumed in each trip ; the number of suits instituted the past year, against whom, for what sum ; how many depositions the Agent has taken, and in what cases ; and whether he was necessarily present at the trial of any of the suits, and if so, what cases.

3d. What fees have been paid, or are yet due, to attorneys resident in this State, employed by said Agent, in what suits, for what services, and to whom.

4th. What steps has the Agent taken the last year for the collection of the judgment on John Carnahan, in the Marion circuit court, for the recovery of the six or seven thousand dollars due on the obligation of John Law and others, growing out of the construction of the canal at Evansville, and for the collection of money from Isaac Coe on account of bonds sold by said Coe to parties in the east.

5th. What is the probable sum that will be received during the coming year, in money, from our eastern assets — stating the sum ex-

pected from each, and to what will his salary, expenses, the rent of his office, fuel, stationary, and salary of said Agent's secretary, amount for the same period.

6th. Who is the agent sent by the Agent of State to see to the lands in Georgia, what compensation is to be given, who has had the care or oversight of the mill property on said lands, how many saws in operation, the probable value of the whole property. What is the value of the lands and lots in Florida and Mississippi; who acts as the agent for these lands; who are the agents of the companies of whom these lands and lots were received. Have the agents of said land companies received money on sales of any of said lands or lots? if so, what sum, and to whom have they accounted; and has the agent made a personal examination of the lands in Georgia, in Florida, or in the State of Mississippi?

7th. The supposed value of from three to five hundred thousand dollars to be derived from the eastern assets mentioned in his late report; what part will probably be received from real estate, and what part from the debts due—naming the sum expected from each source—whether from lands, lots, companies, or individuals.

8th. Of the "large amount" mentioned in his last year's report, and alluded to in his late report, for which General Milton Stapp is liable; the Agent will please state what sum stands against him on his cash account on the books of the office, what sum is due from him, if any thing for Treasury Notes mentioned in the report as having been received from Sherwood; what sum was used by said Stapp in the purchase of lands in Indiana from J. D. Beers.

9th. What per cent. has it cost the State to make collections of the suspended debt the last two years; have there been any fees or commissions charged for making collections of any part of the suspended debt, or for receiving and paying out the same; if so, by whom, and to what amount?

Mr. Davis of Daviess moved the following amendment:

"And also the condition of the candle factory in Brooklyn, New York;"

Which amendment prevailed.

Mr. Ewing moved to lay the resolution and amendment upon the table.

The ayes and noes being demanded by Messrs. Davis of Daviess and Ewing,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclair, Tannehill, and Wood—23.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, and Wilber—24.

So the motion did not prevail.

Mr. Chapman moved the following amendment :

“ And also to report the cost of similar services for the last five years, giving each year separately.”

Mr. Walpole offered the following amendment to the amendment :

“ Provided the same has not been heretofore reported ; ”

Which amendment did not prevail.

The question then recurring upon the adoption of Mr. Chapman's amendment,

The ayes and noes were demanded by Messrs. Herriman and Chapman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Henry, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Parks, Pennington, Read, Ritchey, Shanks, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—32.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Defrees, Farmer, Hodge, Morgan, Pitcher, Reeve, Reyburn, Sands, and Walpole—15.

So the amendment prevailed.

Leave being granted,

Mr. Walpole presented the petition of Andrew L. Baldwin and others, praying for an act to legalize the assignment of a school commissioner's certificate ; which,

On motion of Mr. Walpole,

Was referred to the committee on the judiciary.

Mr. Mitchell presented the remonstrance of sundry citizens of congressional township 32, range 6, of Kosciusko county, remonstrating against the passage of a law for the relief of Stephen Kitson, purchaser of school lands in said township ; which was,

On motion of Mr. Mitchell,

Referred to the committee on education.

The following message was received from His Excellency the Governor, by Mr. Kinder, his private secretary :

Mr. PRESIDENT :

I am directed by His Excellency the Governor to inform the Senate, that he did, on the 28th instant, approve and sign,

No. 40. An act to legalize the proceedings of the board of commissioners of the county of Monroe, at the August session thereof, 1841 ;

Also,

No. 5. An act relative to a certain state road in the county of Elkhart.

Mr. Ritchey offered the following resolution :

*Resolved*, That the committee on the judiciary be directed to enquire into the expediency of changing the provisions of the newly revised statutes, so as to provide that where any person fails or neglects to perform any duty required of him by law, he shall be subject to fine or imprisonment, or both, instead of an action of debt, as now provided ;

Which motion was not adopted.

Mr. Ritchey, from the committee on education, made the following report :

Mr. PRESIDENT :

The committee on education, to which was referred a resolution of the Senate directing an enquiry into the expediency of providing by law that where any township or school district fails to comply with the requisitions of the law, so as to entitle them to draw their share of the school funds, no forfeiture shall accrue to said township or district, have had the subject under consideration, and believing that it is unrighteous and unjust to rob the children of one township or district for the benefit of others, in consequence of the negligence or carelessness of their parents or guardians, have directed me to report the following bill, and recommend its passage :

No. 101. A bill to amend the 15th chapter of the revised statutes, and repeal the 83d and 98th sections of the same ;

Read a first time and passed to a second reading.

On motion of Mr. Chapman,

The resolution of the Senator from Hendricks, instructing the Secretary of State to incorporate with the documents of the present session a report of the Senate's committee on federal relations of last session, which was omitted in the documentary journal thereof,

Was taken from the table ; whereupon,

Mr. Alexander withdrew said resolution and offered the following substitute, which was adopted.

*Ordered*, That the Secretary of State shall embrace in the volume of public documents of the present session the report of the Senate's

committee on federal relations, presented January 5th, 1843, of which five hundred copies were ordered to be printed.

On motion of Mr. Ritchey,

It was further *ordered*, That the Secretary have bound in the volume of the general acts of the present session of the General Assembly, an act entitled "An act to provide for the transfer of the surplus revenue fund, the county seminary fund, and the three per cent fund from the hands of the present agents and trustees thereof to the treasurers of the respective counties."

On motion,

The Senate adjourned.

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### FRIDAY MORNING, DEC. 29, 1843.

The Senate assembled.

On motion of Mr. Bradley,

And by the unanimous consent of the Senate, the reading of the journal was dispensed with.

Mr. Bradley rose and made a formal annunciation to the Senate of the death of the Hon. Stephen S. Collett, late a Senator from the county of Vermillion, and portrayed the character of the deceased in appropriate and eloquent terms, when,

On motion of Mr. Bradley,

Seconded by Mr. Dobson, it was

*Resolved, unanimously*, That the members and officers of the Senate have received, with deep sensibility, the melancholy intelligence of the death of the Hon. Stephen S. Collett, late a Senator from the county of Vermillion.

*Resolved, unanimously*, That in token of respect for the memory of the Hon. Stephen S. Collett, the members and officers of the Senate will wear the usual badge of mourning during the remainder of the present session of the General Assembly.

*Resolved, unanimously*, That arrangements be made at the expense of the state to convey the body of the deceased to his family residence.

*Resolved, unanimously*, That the members and officers of the Senate will form in procession at the Capitol on this day at 10 o'clock, A. M. and move to the lodgings of the deceased in that order, and from thence attend the corpse to the limits of this city.

*Resolved*, That His Excellency the Governor, the Judges of the Supreme Court, and the other officers of State now at the seat of government, be invited to unite in the procession, and that joint par-



icipation on the part of the members and officers of the House of Representatives be requested therein.

*Resolved, unanimously,* That the President of the Senate be directed to employ some suitable person to accompany the remains of our departed friend, to his late residence in the county of Vermillion.

*Resolved, unanimously,* That the President of the Senate transmit a copy of these resolutions to the family of the deceased.

*Resolved, unanimously,* That a committee be appointed to make the requisite arrangements upon this mournful occasion;

*Ordered,* That Messrs. Bradley, Buell of Warren, Read, Pennington, and Dobson constitute said committee.

On motion of Mr. Walpole,

*Ordered,* That the House of Representatives be informed of the adoption of said resolutions.

Mr. Read, from the committee of arrangements, submitted the following report.

MR. PRESIDENT :

The committee appointed to make arrangements for the funeral of the Hon. Stephen S. Collett, have performed that duty and submit the following report:

*Order of arrangements for the funeral of the Hon. Stephen S. Collett, late a member of the Senate:*

The members and officers of the Senate will meet in the Senate Chamber, at 10 o'clock.

The members and officers of the House will meet in the Hall of the House, at 10 o'clock.

#### ORDER OF PROCESSION.

- 1st. The Reverend Clergy,
- 2d. Pall Bearers,
- 3d. Mourners,
- 4th. Governor,
- 5th. Committee of Arrangements,
- 6th. Senate, preceded by its President and Principal Secretary,
- 7th. House of Representatives, preceded by its Speaker and Principal Clerk,
- 8th. Officers of State,
- 9th. Citizens generally.

The procession will form at the Capitol precisely at a quarter past 10 o'clock to-day, and proceed to Washington Hall, and return from thence in company with the corpse to the Capitol, where divine service will be performed by the Rev. M. Simpson, President of the Indiana Asbury University.

The procession will move in like order to the limits of this city, where a conveyance will be in attendance to remove the corpse to the late residence of the deceased, in Vermillion county.

The pall bearers will consist of

Messrs. Akin, Ritchey, Davis of Floyd, Defrees, Miller, Cotton, Reeve, and Carr of Lawrence.

The procession will be supervised by Mr. Read, as marshal.

On motion of Mr. Walpole,

*Ordered*, That the House of Representatives be informed of the foregoing order of arrangements.

The following message was received from the House of Representatives, by Mr. English, their Principal Clerk:

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolutions:

*Resolved, unanimously*, That the House of Representatives reciprocate the resolutions of the Senate in relation to the loss sustained by that body in the death of the Hon. Stephen S. Collett.

*Resolved, unanimously*, That the House of Representatives entertain the highest respect for the memory of the Hon. Stephen S. Collett, and duly appreciate the loss sustained by his family and numerous friends.

*Resolved, unanimously*, That as a token of respect for the virtues of the deceased, the members of the House of Representatives will wear the usual badge of mourning during the remainder of the session.

*Resolved, unanimously*, That a copy of these resolutions be transmitted to the family of the deceased.

*Resolved, unanimously*, That the Principal Clerk of the House of Representatives convey a copy of the foregoing resolutions to the Senate, and forward a copy of the same to the family of the deceased.

On motion of Mr. Read,

The Senate adjourned,

Until to-morrow morning at 9 o'clock.

SATURDAY MORNING, DEC. 30, 1843.

The Senate assembled.

Mr. Todd presented the following protest against the bill providing for the election of officers by viva voce :

Mr. PRESIDENT :

The undersigned Senators, avail themselves of their constitutional right, and hereby protest against the passage of the bill which passed this Senate on Saturday, the 23d of December, 1843, providing for going into the election of certain officers by a viva voce vote. If established rules for the construction of written instruments derive their importance from the rights to be secured by the instrument, or the wrongs to be suffered under a perversion of it, it must not be denied that the importance of those rules is much increased when applied to the interpretation of the charter of our civil and political rights. So far as this state of existence is concerned, language is never so important as when it speaks of man's rights, and the manner of securing them.

We most respectfully insist upon that construction of our constitution which the love of truth, and veneration for that instrument demand of us.

The words of the constitution in the 2d section, 6th article, are conclusive on the point in dispute—"all elections shall be by ballot." Does ours, or can any language, furnish phraseology more comprehensive, as to *number* or *quantity*, or more imperative as to mode ?

But it is contended that the constitution, in the 8th section of the 4th article, had previously given a latitudinous power, in the exercise of which, a Legislature might authorize an election viva voce. This position we respectfully deny, because it overthrows, by implication and guess work, a positive substantive requirement. If the Legislature may create an office, and fill it in such manner as they please, why may they not, under this latitudinous construction, create an office and fill it with an occupant for life ? or give a life estate in it ? If we are answered in the language of the 22d section, 1st article, that "the Legislature can create no office the appointment to which shall be for a longer term than good behavior," the answer is a good one, and the reason is, that such a tenure would violate a clause of the constitution which is express upon the point. If under the grant of power to *fill offices* in such manner as the Legislature please, it can authorize the viva voce mode, and thus, in that case, repeal the strong language of the 2d section, 6th article, "all elections shall be by ballot," why might it not create an office and fill it for life, if that manner pleased, against the provision which limits the tenure to good

behavior? The violation of the constitution is equally plain in the one case as in the other.

The provision that "all elections shall be by ballot" cannot *consist* with a supposed power in the Legislature to set up the viva voce mode when it may please. We submit whether it would be respectful to the intelligence and sound sense of the convention to require "all elections to be by ballot," when they intended that some elections might be in some other way? The positive, substantive provision, and the supposed provision, are diametrically opposed to each other. They therefore cannot both stand together and prevail in the same instrument—the weaker or more uncertain must yield.

By an attentive examination of the 8th section, 4th article, which furnishes, as is supposed, the basis of the right to make a law authorizing viva voce voting, it will be clearly seen that it refers to *what shall* be the electing or appointing power, and not at all as to the *mode* in which that power shall be exercised. This is more fully apparent by reference to the whole of the 8th and 9th sections of said article.

Again, if the constitution had intended in its 8th section, 4th article, to grant a power in the Legislature to enact in any case the viva voce mode, how could rational men, in an after part of the same instrument, viz., 2d section, 6th article, use words so comprehensive as to take back that power, without making an exception in favor of that previous grant? The thing is impossible, and so we respectfully charge a positive absurdity.

Again, every expression is to be construed or understood, according to the subject to which it relates, according to the maxim,—"*singulis sermo debet intellegi, de conditione personae*," &c., and the expression "such manner as shall be directed by law," has reference to the *tribunal* which shall make the choice, but not to the *manner* of its making it.

For these reasons and others, we never can sustain the pretension of a Legislature of Indiana with its present constitution, in attempting to pass a viva voce election law, until we shall be so far enlightened as to be able to see how our constitution, while it asserts that "all elections shall be by ballot," so far contradicts itself as to admit that *some* may be viva voce. All of which is respectfully submitted, and requested to be made part of the Journal of the Senate. Signed in Senate Chamber, this 26th Dec., 1843.

THO. J. TODD,  
W. T. S. CORNETT,  
DAVID HENRY,  
DENNIS PENNINGTON,  
THO. R. STANFORD,  
GODLOVE S. ORTH,  
W. M. REYBURN.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk:

Mr. PRESIDENT :

The House of Representatives has reciprocated the resolution of the Senate, providing that the Senate would, (the House concurring) proceed to the election of State Agent and General Superintendent on the Wabash and Erie Canal, on Friday the 29th inst., at half past ten o'clock, with the following amendment :

Strike out "Friday the 29th inst., at half past ten o'clock," and insert "this day (Saturday, Dec. 30th,) at 10 o'clock."

Mr. Chapman moved that said amendment be concurred in.

The ayes and noes being demanded by Messrs. Walpole and Chapman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Dobson, Duzan, Ewing, Henry, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Parks, Pitcher, Read, Reeve, Ritchey, Sands, Shanas, Sinclear, Tannehill, Wilber, and Wood—35.

*Those who voted in the negative are,*

Messrs. Alexander, Davis of Floyd, Defrees, Farmer, Hodge, Morgan, Orth, Pennington, Reyburn, Stanford, Todd, and Walpole—12.

So the amendment was concurred in.

*Ordered,* That the House of Representatives be informed thereof.

Mr. Orth presented the petition of sundry citizens of Delaware county, praying for the incorporation of a turnpike company ; which,

On motion of Mr. Orth,

Was referred to the same committee to whom had been previously referred sundry other petitions upon the same subject.

Also, the petition of sundry citizens of Tippecanoe county, praying for the repeal of the 71st section of the act of crime and punishment ; which was,

On motion of Mr. Walpole,

Referred to the committee on the judiciary.

The following message was received from the House of Representatives, by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

The House has adopted the following resolution :

*Resolved,* That the Senate be invited to attend *instantly* in the Hall of the House of Representatives for the purpose of going into the election of a State Agent and a Commissioner on the Wabash and

Erie Canal west of Tippecanoe river, and that seats be provided for them on the right of the Speaker's chair.

Whereupon, the Senate proceeded to the Hall of the House of Representatives, for the purpose of electing said officers, and took their seats on the right of the Speaker's chair.

The convention then proceeded to the election, viva voce, of Agent of State.

*Those who voted for Michael G. Bright are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Davis of Daviess, Dobson, Duzan, Ewing, Henry, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, Wood, Allen of Putnam, Athon, Barbour, Beans, Boone, Bowles, Burton, Byers, Chambers, Chapman, Clark of Tippecanoe, Cowen, Cuppy, Edger, Edmonston, Elder, Engle, Ferry, Fuller, Gorman, Halbert, Handy, Hardin, Helwig, Hiatt, Hostetter, Jones of Fountain, Jones of Franklin, Keimer, Lee of Jefferson, Logan of Pike, Logan of Washington, Matheney, McAllister, McClure, McConnell, McDonald, McRae, Mickle, Miller of Crawford, Montgomery, Mooney, Moore, Nees, Norvell, O'Neal, Palmer, Robbins, Roberts of Putnam, Saffer, Simonson, Smith, Spicknall, Tevis, Turman, Williams, Wright, and Mr. Speaker—86.

*Those who voted for George H. Dunn are,*

Messrs. Alexander, Bradley, Buell & Warren, Burke, Cotton, Davis of Floyd, Defrees, Hodge, Moore, Morgan, Orth, Pitcher, Reeve, Sands, Walpole, Allen of Laporte, Barrett, Blakemore, Clark of Hamilton, Coffin, Conner, Dowling, Foley, Ford, Forseman, Garrett, Gilbert, Hannah, Harris, Harrison, Hobbs, Hodges, Holloway, Hudleston, Hurlbut, James, Kerr, Lee of Posey, Macy, Miller of Vanderburgh, Montague, Morgan, Nutter, Parker, Reed, Rich, Roberts of Laporte, Seller, Shelby, Simpson, Sutherland, Williamson, Wolfe, and Woolman—54.

Michael G. Bright, having received a majority of all the votes, the President declared him duly elected Agent of State for and during the term of two years from and after the expiration of his present term of office.

The convention then proceeded to the election of General Superintendent on the Wabash and Erie Canal.

*Those who voted for Frederick E. Goodsell are,*

Messrs. Akin, Bradley, Carr of Lawrence, Davis of Daviess, Dobson, Hutton, Miller, Parks, Allen of Putnam, Bowles, Burton, Chambers, Coffin, Dowling, Edger, Edmonston, Elder, Engle, Fuller,

Garrett, Handy, Hodges, Kerr, Logan of Pike, Maay, Matheny, McRae, Miller of Vanderburgh, Montague, Montgomery, Nees, Norvell, O'Neill, Roberts of Putnam, Saffier, Simpson, Smith, Turman, Williams, Wolfe, and Wright—41.

*Those who voted for Ebenezer F. Lucas are,*

Messrs. Alexander, Berry, Buell of Warren, Chapman, Defrees, Duzan, Ewing, Henry, Hodge, Jones, Moore, Orth, Read, Reyburn, Ritchey, Shanks, Stanford, Walpole, Wilber, Wood, Allen of Laporte, Athon, Barrett, Bearss, Boone, Clark of Hamilton, Clark of Tippecanoe, Conner, Foley, Forseman, Gilbert, Gorman, Gregory, Halbert, Hannah, Hardin, Harris, Harrison, Hiatt, Hobbs, Hostetter, Huddleston, Jones of Fountain, Jones of Franklin, Lee of Jefferson, McAlister, McClure, McConnell, McDonald, Miller of Crawford, Moore, Nutter, Palmer, Parker, Reed, Roberts of Laporte, Seller, Shelby, Simonson, Tevis, Williamson, and Woolman—62.

*Those who voted for William D. Wood are,*

Messrs. Burke, Hoover, Ford, Holloway, Hurlbut, and Sutherland—6.

*Those who voted for Chauncy Carter are,*

Messrs. Carr of Jackson, Herriman, Kennedy, Sinclear, Barbour, Chapman, Cowen, Cuppy, Ferry, Helwig, Keimer, Logan of Washington, Mickle, Mooney, Robbins, and Spicknall—16.

*Those who voted for Peter Martineau are,*

Messrs. Cornett, Davis of Floyd, Morgan, and Sands—4.

*Those who voted for Robert H. Fauntleroy are,*

Messrs. Cotton, Pitcher, Lee of Posey, Morgan, and Rich—5.

*Those who voted for Samuel Milroy are,*

Messrs. Leviston, Major, Mitchell, Tannehill, Blakemore, Byers, and Mr. Speaker—7.

*For James B. Ray,*

Mr. Reeve—1.

Neither of the candidates having received a majority of all the votes, the convention proceeded to a second joint vote.

*Those who voted for Frederick E. Goodsell are,*

Messrs. Akin, Bradley, Carr of Lawrence, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Hutton, Leviston, Miller, Parks, Allen of Putnam, Bowles, Burton, Chambers, Coffin, Dowling, Edger, Edmonston, Elder, Fuller, Garrett, Halbert, Handy, Hodges, Holloway, Hurlbut, James, Kerr, Lee of Posey, Logan of Pike, Logan of Washington, Matheny, McRae, Mickle, Miller of Crawford, Miller of Vanderburgh, Montague, Montgomery, Moore, Morgan, Nees, Norvell, Nutter, O'Neill, Roberts of Putnam, Saifer, Simpson, Smith, and Williams—50.

*Those who voted for Ebenezer F. Lucas are,*

Messrs. Alexander, Berry, Buell of Warren, Burke, Carr of Jackson, Chapman, Cornett, Defrees, Duzan, Ewing, Henry, Hodge, Jones, Kennedy, Major, Moore, Orth, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Stanford, Tannehill, Walpole, Wilber, Wood, Allen of Laporte, Athon, Barrett, Bearss, Blakemore, Boone, Byers, Clark of Hamilton, Clark of Tippecanoe, Conner, Engle, Foley, Forseman, Gilbert, Gorman, Gregory, Hannah, Hardin, Harris, Harrison, Hiatt, Hobbs, Hostetter, Huddleston, Jones of Fountain, Jones of Franklin, Lee of Jefferson, Macy, McAlister, McClure, McConnell, McDonald, Palmer, Parker, Read, Roberts of Laporte, Seller, Shelby, Simonson, Sutherland, Tevis, Turman, Williamson, Wolfe, Woolman, and Wright—74.

*Those who voted for Chauncy Carter are,*

Messrs. Herriman, Hoover, Mitchell, Pitcher, Sinclear, Barbour, Chapman, Cowen, Cuppy, Ferry, Helwig, Keimer, Mooney, Robbins, Spicknall, and Mr. Speaker—16.

*For James Blair,*

Mr. Morgan—1.

*For William D. Wood,*

Mr. Ford—1.

*For Peter Martineau,*

Mr. Rich—1.

Ebenezer F. Lucas, having received a majority of all the votes, the President declared him duly elected General Superintendent on the Wabash and Erie Canal for and during the term of two years from and after this day.



The President declared the Convention adjourned *sine die*; and thereupon,

The Senate returned to their chamber.

Mr. Herriman presented thirteen petitions of sundry citizens of Noble county, asking for a review of the county seat thereof; which was,

On motion of Mr. Herriman,

Referred to a select committee.

Ordered, That Messrs. Herriman, Mitchell, and Pennington constitute said committee.

Mr. Wilber presented the remonstrance of John M. Young and other subscribers to the Hanover College, against the removal of said College to the city of Madison; which was,

On motion of Mr. Davis of Floyd,

Referred to the committee on corporations.

Mr. Cornett, from the committee on education, submitted the following report:

Mr. PRESIDENT:

The committee on education, to which was referred the petition of Joel Sexton and Jacob Young, of the county of Green, have had the same under consideration, and directed me to report the following bill in accordance with the prayer of said petitioners, and recommend its passage.

No. 102. A bill to amend the 34th section of chapter 7, of the Revised Statutes;

Read a first time and ordered to a second reading.

Mr. Cornett, from the committee on the judiciary, submitted the following report:

Mr. PRESIDENT:

The committee on the judiciary, to which was referred bill No. 87, of the House, entitled, "A bill to prevent speculation in Treasury Notes," have had the same under consideration, and directed me to report the same back to the Senate, with the following amendments, and recommend its passage, viz.: In section 2, commencing in the second line thereof, strike out the words "in any county in this state." And also strike out the whole of section 3, and in lieu thereof insert: "This act shall take effect and be in force from and after its publication."

Which amendments were concurred in, ordered to be engrossed, and the bill passed to a third reading.

Mr. Davis of Floyd, from the same committee, made the following report:

**Mr. PRESIDENT :**

The committee on the judiciary, to which was referred bill of the House No. 169, entitled, "A bill to regulate the sale of real estate by executors, administrators, and guardians," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Ritchey, from the committee on canals and internal improvements, made the following report :

**Mr. PRESIDENT :**

The committee on canals and internal improvements, to which was referred a resolution of the Senate, directing an inquiry into the expediency of holding out greater inducements to companies to undertake the prosecution of some of the less important of the public works, have had that subject under consideration, and have directed me to report, that, in the opinion of the committee, the law providing for the letting out of the public works to companies affords every encouragement to such companies which could reasonably be asked by them or offered by the State ; and have therefore directed me to report that no further legislation is necessary.

Concurred in, and the committee accordingly discharged.

Mr. Ritchey, from the same committee, made the following report :

**Mr. PRESIDENT :**

The committee on canals and internal improvements, to which was referred a bill of the Senate No. 45, entitled, "A bill to provide for the improvement of the rapids of the Wabash river," have bestowed upon the subject that consideration which its importance demands, and not being able to agree upon any specific recommendation, have directed me to report the bill back to the Senate, without amendment, to be disposed of as the Senate may direct, and ask to be discharged from the farther consideration of the subject.

Concurred in, and the committee accordingly discharged.

Which bill, being read a second time,

Mr. Ewing moved the reading of the petition which went with the bill to the committee ;

Which motion did not prevail.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Walpole,

*Resolved*, That the Agent of State be instructed to suspend the distribution of the avails of the suspended debt until Saturday, the 6th day of January, 1844; and that he give notice of such suspension by advertisement in the "Indiana Journal" and "State Sentinel;" and that the Principal Secretary of the Senate be instructed to deliver a copy of this resolution to said Agent.

Mr. Sinclear, from the committee on canals and internal improvements, made the following report:

Mr. PRESIDENT:

The committee on canals and internal improvements, to whom was referred a resolution instructing said committee to inquire into the expediency of abolishing the fee now charged for the issue of patents to purchasers of Wabash and Erie canal lands, have had that subject under consideration, and have instructed me to report the following bill and recommend its passage.

No. 103. A bill abolishing the fee for issuing patents to purchasers of Wabash and Erie canal lands;

Read a first time and passed to a second reading.

The Senate resumed the consideration of

No. 45. A bill to improve the rapids of the Wabash river;

Which was reported back to the Senate from the committee on canals and internal improvements, and undisposed of previous to this morning's adjournment.

Mr. Ewing moved the reading of the petition which accompanied the bill to the committee.

The ayes and noes being demanded by Messrs. Ewing and Chapman,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Cornett, Cotton, Davis of Daviess, Davis of Floyd, De-frees, Dobson, Ewing, Farmer, Henry, Hodge, Hutton, Kennedy, Le-viston, Major, Moore, Orth, Pennington, Pitcher, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—36.

*Those who voted in the negative are,*

Messrs. Berry, Carr of Lawrence, Chapman, Duzan, Herriman, Hoover, Miller, Mitchell, Morgan, and Parks—10.

So the petition was ordered to be read.

Mr. Pennington moved to lay the bill upon the table ;  
 Which motion did not prevail.  
 Upon the engrossment of the bill,  
 The ayes and noes being demanded by Messrs. Ewing and Chapman,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Herriman, Hodge, Hutton, Kennedy, Moore, Orth, Reyburn, Ritchey, Sands, Sinclear, Todd, and Walpole—26.

*Those who voted in the negative are,*

Messrs. Berry, Burke, Chapman, Duzan, Hoover, Leviston, Major, Miller, Mitchell, Morgan, Parks, Pennington, Pitcher, Read, Reeve, Shanks, Stanford, Tannehill, Wilber, and Wood—20.

So the bill was ordered to be engrossed for a third reading.

Mr. Parks, from a majority of the committee on agriculture, made the following report :

**Mr. PRESIDENT :**

The standing committee on agriculture, to whom was referred bill No. 106, of the House, for the encouragement of domestic manufactures, have had that subject under consideration, and a majority of them have instructed me to report the same back to the Senate, without amendment, and recommend its passage, provided the Senator from Jefferson desires the same, inasmuch as it is local to the county of Jefferson ; and ask to be discharged from the further consideration thereof.

Which bill was read a second time, and ordered to a third reading.

Mr. Davis of Daviess, from a select committee, made the following report :

**Mr. PRESIDENT :**

The select committee to which was referred a bill to relocate the county seat of Martin county, have had that subject under consideration, and directed me to report the same back to the Senate, with two amendments, which, when concurred in, they recommend its passage.

Which amendments being concurred in, the bill was read a second time, and,

On motion of Mr. Davis of Daviess,

Laid upon the table.

Mr. Davis of Floyd, from the committee on corporations, made the following report :

Mr. PRESIDENT :

The committee on corporations, to which was referred bill of the House No. 37, entitled, "A bill to amend an act entitled, 'an act providing for the incorporation of towns,'" have had the same under consideration, and have instructed me to report the same back to the Senate, with one amendment, which is to strike out all of the first section of the bill after the enacting clause, and insert the following :

"That if, in any election for trustees in any incorporated town in this State, two or more persons shall have an equal number of votes, there shall be a new election, and all incorporated towns in this State are hereby empowered to provide by ordinance for holding the same."

With this amendment the committee recommend the passage of the bill.

Which amendment was concurred in, and the bill, being read a second time, was ordered to be engrossed for a third reading.

Mr. Pennington, from a select committee, made the following report :

Mr. PRESIDENT :

The committee to whom was referred a bill of the House of Representatives entitled, "No. 117, a bill correcting a discrepancy in the estray law," together with a pending amendment of the Senate, have had the same under consideration, and a majority have directed me to report the same back to the Senate, as amended, and recommend its passage.

Upon concurring in the amendment,

The ayes and noes were demanded by Messrs. Pennington and Sinclear.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Chapman, Davis of Floyd, Duzan, Ewing, Farmer, Henry, Herriman, Kennedy, Leviston, Mitchell, Moore, Morgan, Pennington, Pitcher, Sinclear, Tannehill, and Wilber—19.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Dobson, Hodge, Hoover, Hutton, Major, Miller, Orth, Parks, Read, Reeve, Reyburn, Ritchey, Shanks, Stanford, Todd, Walpole, and Wood—26.

So the amendment was not concurred in.

Mr. Hodge, from a select committee, made the following report :

**Mr. President :**

The select committee to whom was referred the petition of Samuel Hutchings and others, praying for the repeal of an act therein named, have had the same under consideration, and have directed me to report the following bill and recommend its passage :

No. 104. A bill to repeal an act therein named ;

Read a first time and ordered to a second reading.

Mr. Chapman moved to take from the table,

No. 2. A joint resolution (of the House) to refund the fine imposed upon General Andrew Jackson, and for other purposes ;

Which motion did not prevail.

**BILLS INTRODUCED.**

By Mr. Orth :

No. 105. A bill giving authority to take acknowledgments and proof of deeds ;

Read a first time, and,

On motion of Mr. Orth,

The rules were suspended, the bill was read a second time, and

Referred to the committee on the judiciary.

By Mr. Sands :

No. 106. A bill to repeal a certain act therein named ;

Read a first time and ordered to a second reading.

By Mr. Miller :

No. 107. A bill to authorize the circuit court of Gibson county to grant a divorce in a certain case therein named ;

Read a first time and ordered to a second reading.

By Mr. Davis of Floyd :

No. 108. A bill to amend an act entitled, "An act providing for the summoning and empannelling jurors in the counties of Delaware, Grant, Scott, Franklin, Floyd, and Union," approved January 23d, 1843 :

Read a first time and ordered to a second reading.

By Mr. Orth :

No. 109. A bill to incorporate the First Regular Baptist Church at Lafayette ;

Read a first time, and,

On motion of Mr. Orth,

The rules were suspended, the bill was read a second time, and

Referred to the committee on corporations.

On motion of Mr. Major,

No. 54. A bill (of the House) for the relief of Persis Hubbard ;

Was taken from the table, and

Read a third time and passed.

On motion of Mr. Reyburn,

No. —. A bill (of the House) declaring the Mississinewa river a public highway ;

Was taken from the table ; and thereupon,  
Mr. Reyburn offered the following amendment ;

Strike out " other territory or counties ; "

Which amendment prevailed, was ordered to be engrossed, and the bill passed to a third reading.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

The House of Representatives has passed engrossed bill thereof,

No. 8. An act to organize a new county out of the county of Dearborn, and relocate the county seat thereof ;

In which the concurrence of the Senate is respectfully requested.

Which bill, being read a first time,

Mr. Pitcher moved a suspension of the rules for its second reading.

The ayes and noes being demanded by Messrs. Ritchey and Akin,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Herriman, Hodge, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Parks, Pitcher, Read, Sands, Shanks, Sinclear, Tannehill, and Walpole—30.

*Those who voted in the negative are,*

Messrs. Chapman, Farmer, Henry, Morgan, Orth, Pennington, Reeve, Reyburn, Ritchey, Stanford, and Todd—11.

So the rules were dispensed with ; and,

On motion of Mr. Pitcher,

The bill was read a second time and referred to a select committee.

*Ordered,* That Messrs. Pitcher, Cornett, Henry, Berry, and Walpole constitute said committee.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

The House of Representatives has concurred in engrossed amendments of the Senate to engrossed bills and joint resolution of the House of the following titles :

No. 64. An act to restrict the assessment of a poll tax within the county of Spencer ;

No. 131. An act to amend the 4th article of the 16th chapter of

the Revised Statutes of 1843, so far as relates to the county of Washington;

No. 60. A joint resolution in relation to certain repairs on the bridge across White river on the National road.

No. 30. A bill (of the House) incorporating the First Presbyterian Church of Decatur;

Read a third time and passed.

No. 109. A bill (of the House) to change the name of Henry Bragg to Henry Rittenhour;

[The title being amended to correspond with the body thereof.]

Read a third time and passed.

No. 83. A bill (of the Senate) for the relief of Delaware and Grant counties;

Read a third time and passed.

No. 66. A bill (of the Senate) the better to secure the payment of the revenue into the state treasury in such funds as are collected by the county treasurers;

Read a third time; whereupon,

Mr. Read moved to recommit to the committee on finance, with instructions to insert the following:

*"Provided, however, That nothing in this act shall be so construed as to prevent the treasurers from giving change to the tax payer who wishes to pay his tax in scrip, endorsing on the receipt the scrip so changed and received;"*

Which motion did not prevail.

The question then being, shall the bill pass?

The ayes and noes were demanded by Messrs. Carr of Lawrence and Bradley.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Buell of Warren, Burke, Cornett, Davis of Daviess, Davis of Floyd, Ewing, Henry, Herriman, Kennedy, Leviston, Major, Morgan, Pennington, Read, Ritchey, Sands, Sinclear, Stanford, Tannehill, Walpole, and Wilber—23.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Carr of Jackson, Carr of Lawrence, Chapman, Cotton, Dobson, Duzan, Farmer, Hodge, Hutton, Miller, Mitchell, Orth, Parks, Pitcher, Reeve, Reyburn, and Shanks—19.

So the bill passed.

*Ordered,* That the House of Representatives be informed of the passage of said bills, and their concurrence requested in those of the Senate.

Mr. Chapman moved that the Senate adjourn until Tuesday morning at 9 o'clock;



The ayes and noes being demanded by Messrs. Chapman and Read,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Burke, Chapman, and Pitcher  
—5.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Duzan, Ewing, Farmer, Henry, Herriman, Hodge, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Orth, Parks, Pennington, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Sinclair, Stanford, Tannehill, Walpole, and Wilber—37.

So the motion did not prevail.

On motion of Mr. Hutton,  
The Senate adjourned.

## MONDAY MORNING, JAN. 1, 1844.

The Senate assembled.

On motion of Mr. Read,

He was permitted to change his vote upon the passage of No. 66, a bill the better to secure the payment of the revenue into the State Treasury in such funds as are collected by the county treasurers.

On motion of Mr. Davis of Daviess,

He was permitted to change his vote upon the engrossment of No. 45, a bill to improve the rapids of the Wabash river.

Mr. Chapman presented the petition of Jesse Morgan and others, of the counties of Laporte, Porter, and Lake, praying for the location of a certain state road therein named; which was,

On motion of Mr. Chapman,

Referred to a select committee.

*Ordered*, That Messrs. Chapman, Hodge, and Reyburn constitute said committee.

Mr. Hodge presented the petition of Ann Frankboner, praying for the passage of an act to legalize the proceedings of the probate court of Grant county, and her acts and proceedings in said court, in the settlement of the estate of Robert McCormack; which was,

On motion of Mr. Hodge,

Referred to the committee on the judiciary.

Mr. Carr of Lawrence presented the petition of L. Q. Hoggatt and other citizens of Lawrence county, praying for the repeal of the law providing for the summoning of petit jurors, and a reduction of the per diem allowance of grand jurors to one dollar; which was,

On motion of Mr. Carr of Lawrence,

Referred to a select committee.

*Ordered*, That Messrs. Carr of Lawrence, Wood, and Read constitute said committee.

Mr. Orth presented the petition of J. H. Powers and other citizens of the county of Delaware, praying for the incorporation of a Turnpike Company; which was,

On motion of Mr. Orth,

Referred to the same select committee to whom had been previously referred petitions upon the same subject.

Mr. Reeve presented the remonstrance of Charles Henley and other citizens, in reference to the legalizing of the docket of Isaac Tullice, deceased, late a justice of the peace of Rush county; which was,

On motion of Mr. Reeve,

Referred to the same committee to whom had been previously referred a petition upon the same subject.

Mr. Orth presented the petition of sundry citizens of Lafayette, praying for the passage of an act to vacate a certain alley in said town; which was,

On motion of Mr. Orth,

Referred to a select committee.

*Ordered*, That Messrs. Orth, Chapman, and Hutton constitute said committee.

Mr. Hodge presented the petition of Israel Martin and other citizens of Delaware county, praying for the extension of an act compelling speculators to pay a road tax equal to that paid by actual settlers, to the said county of Delaware; which was,

On motion of Mr. Hodge,

Referred to a select committee.

*Ordered*, That Messrs. Hodge, Reyburn, and Buell of Warren constitute said committee.

Mr. Cornett, from the committee on the judiciary, submitted the following report:

Mr. PRESIDENT:

The committee on the judiciary, to which was referred bill No. 27, of the Senate, entitled, "A bill to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as the same relates to the county of Washington," have had the same under consideration, and directed me to report it back to the Senate and recommend its indefinite postponement, as a bill of the House on that subject has already passed the Senate.

Which report was concurred in and the said bill indefinitely postponed.

Mr. Davis of Floyd, from the same committee, made the following report :

Mr. PRESIDENT :

The committee on the judiciary, to which was referred bill No. 95, of the Senate, entitled, " A bill regulating the practice in chancery and regulating the practice in suits at law," have had the same under consideration, and have instructed me to report that the changes contemplated in said bill are provided for in the revised laws of last session. The committee have therefore directed me to report the bill back to the Senate and recommend its indefinite postponement.

Which report was concurred in, and the bill accordingly indefinitely postponed.

Mr. Davis of Floyd, from the same committee, made the following report :

Mr. PRESIDENT :

The committee on the judiciary, to which was referred bill of the House No. 52, entitled, " A bill concerning marks and brands," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which bill was read a second time, and ordered to a third reading.

Mr. Cornett, from the same committee, made the following report :

Mr. PRESIDENT :

The committee on the judiciary, to which was referred a resolution of the Senate instructing said committee to inquire if the Whitewater Canal Company have leased water power to be applied in Cincinnati, have had the same under consideration, and directed me to report to the Senate that they have no means of ascertaining the facts sought for by the resolution, and ask to be discharged from the farther consideration of the subject.

Which report was concurred in, and the committee accordingly discharged.

Mr. Ewing, from the committee on federal relations, made the following report :

Mr. PRESIDENT :

Your committee on federal relations, to whom was referred " A joint resolution relating to the United States Armory on the western waters," report the same to the Senate, and submit the following amendments :

Substitute " a " for " the " in second line of the title. Strike out the first resolution after the word " located," in ninth line, and insert :  
 " Within our State ; and after examining the report of the commis-

siopers of the United States heretofore appointed to examine and report upon the subject, to make such representations to Congress, or to the War Department, or to the President of the United States, as may be deemed proper and necessary to effect the object in view. Indiana certainly presents a central and secure position; unsurpassed water power; cheap and abundant materials; and a facility of intercourse, east, west, north, and south, not attainable elsewhere, without expending more time and money: and notwithstanding her many advantageous enticements, the sunshine of government favor has yet to smile upon her borders."

Which amendments were concurred in; and thereupon,

Mr. Chapman moved to amend said joint resolution by striking out "that our Senators and Representatives in Congress are hereby requested," and inserting, "that our Senators be instructed and our Representatives requested;"

Which amendment prevailed, was ordered to be engrossed, and the joint resolution passed to a third reading.

Mr. Ewing, from a select committee, made the following report:

Mr. PRESIDENT:

Your select committee to whom was referred a resolution directing inquiry into the course pursued at the last session in relation to a material change of the northern boundary of the county of Knox, which it is alleged was ingrafted into the Revised Statutes without the consent of the citizens of that county, or the knowledge of their Representatives, and if deemed right, to report a bill repealing the change so effected, and re-enacting the former boundaries of said county, have had the same under consideration, and directed me to report the following bill.

No. 110. A bill in relation to the boundaries of the county of Knox;

Which, being read a first time, was ordered to a second reading.

Mr. Herriman, from a select committee, made the following report:

Mr. PRESIDENT:

The select committee to which was referred some thirteen petitions on the subject of a relocation of the county seat of Noble county, have had the same under consideration, and find that the petitions are signed by three fourths of the citizens of said county, and no remonstrance having been presented; the committee therefore report the following bill and recommend its passage.

No. 111. A bill to relocate the seat of Noble county;

Read a first time and ordered to a second reading.

Mr. Orth, from a select committee, made the following report:

**Mr. President :**

The select committee to whom was referred sundry petitions from the counties of Tippecanoe, Clinton, and Delaware, praying for the incorporation of a company to construct a turnpike from the city of Lafayette, by way of Frankfort, Andersonstown, and Winchester, to the Ohio state line, have instructed me to report the following bill and respectfully recommend its passage.

No. 112. A bill to incorporate the Lafayette and White River Turnpike Company ;

Read a first time, and,

On motion of Mr. Orth,

The rules were suspended, the bill was read a second time, and

Referred to the committee on corporations.

Mr. Read, from a select committee, made the following report :

**Mr. President :**

The select committee to whom was referred "A bill amendatory of an act to provide for restoring the records of Miami county," have had said bill under consideration, and in consequence of the non-attendance of two of the committee, have agreed to report the following joint resolution for the consideration of the Senate.

No. 113. A joint resolution suspending the operation of a bill therein named ;

Read a first time and ordered to a second reading.

On motion of Mr. Chapman,

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed to the election of State Printer on Tuesday, the 2d instant, at half past ten o'clock, A. M.

On motion of Mr. Moore,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing the 12th section of an act entitled, "An act regulating the fees and salaries of several officers therein named," approved February, 1839 ; and report by bill or otherwise.

On motion of Mr. Parks,

The following message from the House of Representatives was taken from the table :

**Mr. President :**

The House of Representatives has adopted the following resolution :

*Resolved*, That the House will, the Senate concurring therein, proceed to the election of President of the State Bank on Friday next, at ten o'clock, A. M. ;

In which the concurrence of the Senate is respectfully requested.

Mr. Parks moved to strike out "Friday at ten," and insert "Wednesday at two ;"

Which motion prevailed.

*Ordered*, That the House of Representatives be informed of said amendment, and their concurrence therein requested.

Mr. Tannehill moved a reconsideration of the vote upon the adoption of the resolution directing the Agent of State to postpone the distribution of the avails of the suspended debt.

The ayes and noes being demanded by Messrs. Tannehill and Akin,

*Those who voted in the affirmative are,*

Messrs. Herriman, Leviston, Major, Parks, Pennington, Pitcher, Ritchey, Sinclear, and Tannehill—9.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Hodge, Hoover, Hutton, Jones, Kennedy, Moore, Morgan, Orth, Read, Reeve, Rayburn, Sands, Shanks, Stanford, Todd, Wilber, and Wood—32.

So the vote was not reconsidered.

Mr. Sinclear introduced,

No. 114. A bill to legalize the marriage of Oliver W. Sanger and Catherine, his wife;

Read a first time and ordered to a second reading.

Mr. Davis of Daviess introduced,

No. 115. A bill for the relief of Abraham Perkins of Daviess county;

Read a first time and ordered to a second reading.

Mr. Pitcher, from the committee on the judiciary, submitted the following report:

**Mr. President:**

The judiciary committee, to whom was referred the bill of the House of Representatives entitled, "A bill regulating the boundaries of the counties of Warrick and Gibson," have, according to order, had the same under consideration. The bill proposes to fix the boundaries under consideration as they were fixed and defined by the acts of 1831. A difference in the construction of the act of 1831, between the counties of Gibson and Warrick, has placed about twenty-six sections of territory in dispute; over which territory, or the greater part thereof, the county of Warrick has, for the most part of the time, exercised jurisdiction. By reference to the act of 1831, abundant reasons are found for that difference of construction, and the dispute and controversy which has necessarily grown out of it. By the revision of the county boundaries of the last session, the boundary in dispute was clearly defined in such a manner as to remove all ambiguity and to settle the dispute, but excluding Warrick county from the whole of

the disputed territory. The then and now delegation of Warrick county insist that the law of the last session was passed without their knowledge or that of their constituents, and is a violation of their rights. The delegation of Gibson insist that the law of the last session makes no change in the boundary, but only makes clear and certain what before was ambiguous and uncertain. The committee are satisfied that the controversy growing out of the construction of the law of 1831, *should* and *must* be settled. But, in view of the facts above stated, your committee think, in justice to Warrick county, she should be restored to the condition in which she was placed by the law of 1831, and the settlement of the controversy be deferred to a time when the parties interested can be fully and fairly heard. The committee have therefore instructed me to report the bill back to the Senate and recommend its passage.

Which bill, being read a second time, was,

On motion of Mr. Pitcher,  
Laid upon the table.

Mr. Chapman moved a call of the Senate ;  
Which motion prevailed.

After a short time,

On motion of Mr. Pennington,  
A further call was suspended.

Mr. Reyburn, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to whom was referred the petition of Giles W. Thomas, have had the same under consideration, and have directed me to report the following bill and recommend its passage.

No. 116. A bill for the relief of Giles W. Thomas ;

Read a first time ; whereupon,

Mr. Chapman moved its rejection.

The ayes and noes being demanded by Messrs. Reyburn and Chapman,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Floyd, Dobson, Duzan, Ewing, Farmer, Henry, Herriman, Hooyer, Hutton, Jones, Kennedy, Leviston, Major, Mitchell, Moore, Morgan, Parks, Pitcher, Read, Reeve, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, Wilber, and Wood—39.

*Those who voted in the negative are,*

Messrs. Davis of Daviess, Hodge, Orth, Reyburn, and Sinclear—5.

• So the bill was rejected.

Mr. Read moved that the Senate adjourn until to-morrow morning at nine o'clock.

The ayes and noes being demanded by Messrs. Orth and Davis of Daviess,

*Those who voted in the affirmative are,*

Messrs. Alexander, Buell of Warren, Burke, Carr of Jackson, Chapman, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Herriman, Hodge, Hoover, Hutton, Jones, Kennedy, Major, Mitchell, Moore, Pennington, Read, Reeve, Sinclear, Stanford, Tannehill, Wilber, and Wood—29.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Bradley, Carr of Lawrence, Davis of Daviess, Duzan, Henry, Leviston, Morgan, Orth, Parks, Reyburn, Ritchey, Sands, Shanks, and Todd—16.

So the Senate adjourned till to-morrow morning at nine o'clock.

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## TUESDAY MORNING, JAN. 2, 1844.

The Senate assembled.

Mr. Tannehill presented the petition of Smith D. Jones and other citizens of Bartholomew county, praying for the change of a certain state road therein named; which was,

On motion of Mr. Tannehill,

Referred to a select committee.

*Ordered,* That Messrs. Tannehill, Carr of Jackson, and Carr of Lawrence constitute said committee.

Mr. Todd presented the petition of James Curry, praying for the passage of an act to authorize the school commissioner of Boone county to set off to him certain land therein mentioned; which was,

On motion of Mr. Stanford,

Referred to the committee on education.

Mr. Buell of Warren presented the petition of D. McDonald and other citizens of Warren county, praying for the construction of a side cut canal, by an appropriation out of the canal land funds, conjointly with a fund created by themselves; which, together with other accompanying documents, were,

On motion of Mr. Buell of Warren,

Referred to the committee on canals and internal improvements.



Mr. Jones presented the petition of Alexander McClelland, praying for the passage of an act putting a balance due him among the claims of the suspended debt ; which was,

On motion of Mr. Jones,

Referred to the committee on canals and internal improvements.

Mr. Leviston, from the committee on finance, submitted the following report :

**Mr. PRESIDENT :**

The committee on finance, to which was referred a bill of the Senate No. 80, entitled, " A bill to abolish the office of auditor in Union county," have had that subject under consideration, and directed me to report the bill back to the Senate, without amendment, and recommend the passage thereof.

Which bill was read a second time ; whereupon,

Mr. Walpole offered the following amendment :

" That said clerk, before taking charge of the duties herein required of him, shall file bond in the sum of one thousand dollars, payable to the State of Indiana, conditioned for the faithful discharge of the duties hereby imposed on said officer ; which bond shall be approved of by the board of commissioners of said county, and shall be filed and recorded in the recorder's office of said county."

Mr. Pitcher moved to amend the amendment as follows :

Strike out, " in the sum of one thousand dollars," and insert, " in double the amount of the trust funds of the county of Union ; "

Which amendment prevailed.

Mr. Walpole moved a reconsideration of the vote upon said amendment.

The ayes and noes being demanded by Messrs. Ewing and Walpole,

*Those who voted in the affirmative are,*

Messrs. Berry, Buell of Warren, Cotton, Davis of Daviess, Duzan, Henry, Herriman, Hodge, Hoover, Jones, Kennedy, Leviston, Major, Moore, Parks, Read, Reyburn, Walpole, and Wood—19.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Hutton, Miller, Mitchell, Morgan, Pennington, Reeve, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, and Wilber—25.

So the vote was not reconsidered.

The question then recurring upon the engrossment of the bill,

The ayes and noes were demanded by Messrs. Chapman and Bradley.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Lawrence, Cotton, Davis of Daviess, Dobson, Duzan, Henry, Herriman, Hoover, Kennedy, Leviston, Major, Miller, Moore, Morgan, Parks, Read, Sands, Shanks, Tannehill, Walpole, Wilber, and Wood—23.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Chapman, Cornett, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Hutton, Mitchell, Pennington, Pitcher, Reeve, Reyburn, Ritchey, Stanford, and Todd—21.

So the bill was ordered to be engrossed for a third reading.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

**Mr. PRESIDENT :**

I am directed by the House to inform the Senate that the House has concurred in the resolution of the Senate providing for going into the election of State Printer on this day at half past ten o'clock, A. M.

Mr. Akin, from the committee on finance, made the following report :

**Mr. PRESIDENT :**

The committee on finance, to which was referred a resolution of the Senate, referring to so much of the Governor's message as relates to the revenue, have had the same under consideration, and are of opinion, inasmuch as the subject matter contained in said resolution has been before the Senate, that no farther action is necessary than to ask to be discharged from the further consideration thereof.

Concurred in and the committee accordingly discharged.

Mr. Hoover, from the same committee, made the following report :

**Mr. PRESIDENT :**

The committee on finance, to whom was referred so much of the Governor's message as relates to Treasury Notes, have had that subject under consideration, and inasmuch as that subject is now before the Senate, they ask to be discharged from the further consideration thereof.

Concurred in, and the committee accordingly discharged.

Mr. Wilber, from the same committee, made the following report :

Mr. PRESIDENT :

The committee on finance, to which was referred a bill of the House, No. 6, to abolish the office of county auditor in the county of Warrick, and for other purposes, have had the same under consideration, and have instructed me to report the bill back, without amendment, and recommend its passage.

Which bill, being read a second time, was,

On motion of Mr. Cotton,

Referred to a select committee.

*Ordered*, That Messrs. Cotton, Leviston, and Berry constitute said committee.

Mr. Wilber introduced,

No. 117. A joint resolution for the relief of certain persons therein named;

Read a first time and ordered to a second reading.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution :

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives *instantly*, for the purpose of electing a State Printer, and that seats are provided for them on the right of the Speaker's chair.

On motion of Mr. Sands,

A call of the Senate was ordered, and the absentees sent for.

On motion of Mr. Herriman,

A further call was suspended.

The Senate then repaired to the Hall of the House of Representatives, and took their seats to the right of the Speaker's chair.

The Convention proceeded to a first joint vote, viva voce, for State Printer.

*Those who voted for Jacob P. Chapman are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Herriman, Hoover, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclair, Tannehill, Wood, Athon, Barbour, Boone, Bowles, Burton, Byers, Chambers, Chapman, Cowen, Cuppy, Edger, Edmonston, Elder, Engle, Ferry, Fuller, Gorman, Handy, Hardin, Helwig, Hostetter, Jones of Fountain, Jones of Franklin, Keimer, Kelly, Lee of Posey, Logan of Pike, Logan of Washington, McAllister, McConnell, McDonald, McRae, Mickle, Miller of Crawford, Montgomery, Mooney, Moore, Norvell, Palmer, Robbins, Saffler, Simonson, Spicknall, Turman, Wright, and Mr. Speaker—69.

*Those who voted for Delana R. Eckles are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Duzan, Ewing, Farmer, Henry, Hodge, Hutton, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, Allen of Laporte, Allen of Putnam, Barrett, Bearss, Blakemore, Clark of Hamilton, Clark of Tippecanoe, Coffin, Conner, Foley, Ford, Forseman, Garrett, Gilbert, Gregory, Halbert, Hannah, Harris, Harrison, Hiatt, Hobbs, Hodges, Holloway, Hudleston, Hurlbut, James, Kerr, Lee of Jefferson, Macy, Matheney, Miller of Vanderburgh, Montague, Morgan, Nees, Nutter, O'Neal, Parker, Reed, Rich, Roberts of Laporte, Roberts of Putnam, Seller, Shelby, Simpson, Smith, Sutherland, Tevis, Verbrike, Williams, Williamson, Wolfe, and Woolman—77.

*For Vance Noel,*

Mr. Dowling—1.

Delana R. Eckles having obtained a majority of all the votes, the President declared him duly elected State Printer for and during the term of three years from and after the expiration of the term of office of the present incumbent.

The President then declared the Convention adjourned *sine die*; and thereupon,

The Senate returned to their chamber, and,

On motion,

Adjourned.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Cornett moved a suspension of the rules for a second reading of No. 117. A joint resolution for the relief of certain persons therein named;

Which motion did not prevail.

Mr. Cornett, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill No. 73, of the Senate, entitled, "A bill for the relief of the borrowers of the sinking fund, surplus revenue fund, saline fund, and other funds, and to declare the duty of agents for the same," have had that matter under consideration, and directed me to report the bill back to the Senate and recommend its indefinite postponement.

Upon concurring in the above report,  
The ayes and noes being demanded by Messrs. Walpole and Cornett,

*Those who voted in the affirmative are,*

Messrs. Burke, Chapman, Cornett, Cotton, Davis of Floyd, Defrees, Henry, Jones, Mitchell, Moore, Pitcher, Read, Reeve, Shanks, Stanford, Wilber, and Wood—18.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Dobson, Ewing, Farmer, Herriman, Hodge, Hoover, Kennedy, Leviston, Major, Miller, Morgan, Parks, Pennington, Ritchey, Sands, Sinclear, Tannehill, Todd, and Walpole—27.

So the report was not concurred in.

Mr. Chapman moved to recommit the bill to the judiciary committee with instructions,

“To incorporate a provision continuing the liability of the several counties.”

Mr. Walpole moved to lay the motion and instructions upon the table.

The ayes and noes being demanded by Messrs. Chapman and Walpole,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Farmer, Hodge, Hoover, Hutton, Jones, Major, Miller, Morgan, Pennington, Ritchey, Sinclear, Todd, Walpole, and Wood—23.

*Those who voted in the negative are,*

Messrs. Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Henry, Herriman, Kennedy, Leviston, Mitchell, Moore, Parks, Pitcher, Read, Reeve, Sands, Shanks, Stanford, Tannehill, and Wilber—22.

So the motion and instructions were laid upon the table.

Mr. Chapman moved a reconsideration of said vote.

The ayes and noes being demanded by Messrs. Chapman and Walpole,

*Those who voted in the affirmative are,*

Messrs. Burke, Chapman, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Henry, Leviston, Mitchell, Moore, Pitcher, Read, Reeve, Stanford, Shanks, Wilber, and Wood—18.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Dobson, Farmer, Herri-  
man, Hodge, Hoover, Hutton, Jones, Kennedy, Major, Miller, Morgan,  
Parks, Pennington, Ritchey, Sands, Sinclear, Tannehill, Todd, and  
Walpole—27.

So the vote was not reconsidered.

Mr. Walpole offered the following amendment :

" Provided, that nothing in this act shall be so construed as to exonerate the liability of any agent or county for any re-loan made under the provisions of this act."

Mr. Ewing moved to recommit said bill.

Mr. Walpole moved a division ;

And the Senate refused to commit.

The question then recurring upon the adoption of the amendment of the Senator from Hancock,

The Senate decided in the affirmative.

Mr. Ewing moved to lay the bill upon the table.

The ayes and noes being demanded by Messrs. Ewing and Herri-  
man,

*Those who voted in the affirmative are,*

Messrs. Burke, Chapman, Cornett, Cotton, Davis of Floyd, Defrees,  
Dobson, Duzan, Ewing, Farmer, Henry, Herriman, Hoover, Hutton,  
Kennedy, Leviston, Major, Mitchell, Moore, Parks, Pennington,  
Pitcher, Read, Reeve, Shanks, Stanford, Walpole, Wilber, and Wood  
—29.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Bradley, Carr of Jackson, Carr of  
Lawrence, Davis of Daviess, Hodge, Miller, Morgan, Ritchey, Sands,  
Sinclear, Tannehill, and Todd—15.

So the said bill was laid upon the table.

Mr. Walpole, from the committee on the judiciary, made the fol-  
lowing report :

Mr. PRESIDENT :

The judiciary committee, to whom was referred a joint resolution of the Senate, No. 19, have, according to order, had the same under consideration, and a majority of said committee have instructed me to report the same back, with one amendment, and request the concurrence of the Senate thereto.

Which was concurred in.

On motion of Mr. Walpole,

The rules were suspended, the joint resolution was considered engrossed, read a third time, and passed.

On motion of Mr. Chapman,

The title of said joint resolution was amended by adding, "and for other purposes."

Leave being granted,

Mr. Burke offered the following resolution :

*Resolved*, That the Senate will, the House of Representatives concurring therein, on to-morrow, after the election of President of the State Bank, proceed to elect a Director of the Bank, on the part of the State, to fill the vacancy occasioned by the expiration of the term of office of Abel C. Pepper ;

Which was adopted.

Mr. Herriman, from the committee on roads, made the following report :

Mr. PRESIDENT :

The committee on roads, to which was referred bill No. 51, providing for a state road therein named, have had the same under consideration, and directed me to report the same back and recommend its passage.

No. 51. An act providing for the location of a state road in Randolph and Jay counties ;

Read a second time and ordered to a third reading.

Mr. Herriman, from the same committee, made the following report :

Mr. PRESIDENT :

The committee on roads, to which was referred bill No. 67, providing for a state road therein named, have had the same under consideration, and have directed me to report the same back and recommend its passage.

No. 67. A bill (of the Senate) to establish a state road in Miami county ;

Read a second time and ordered to a third reading.

Mr. Read, from the committee on corporations, made the following report :

Mr. PRESIDENT :

The committee on corporations, to whom was referred No. 89, a bill incorporating the trustees of the Madison University, have had that subject under consideration, and directed me to report the bill back to the Senate, with the following amendment, and recommend its passage.

Which amendment was concurred in.

Mr. Herriman moved to strike out "two thirds," and insert "a majority," in the fourth section.

The ayes and noes being demanded by Messrs. Herriman and Davis of Daviess,

*Those who voted in the affirmative are,*

Messrs. Bradley, Dobson, Herriman, Hutton, Mitchell, and Reeve—6.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Duzan, Ewing, Farmer, Henry, Hodge, Hoover, Jones, Kennedy, Leviston, Major, Miller, Moore, Morgan, Parks, Pennington, Pitcher, Read, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—39.

So the motion to strike out did not prevail.

The bill was then read a third time ; and,

The question then being,

Shall it pass ?

The Senate decided in the affirmative.

*Ordered,* That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Chapman, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to which was referred bill of the House No. 18, have had the same under consideration, and have directed me to report the same back, with divers amendments, and recommend its passage.

Which amendments were concurred in.

Mr. Mitchell moved to amend the bill by adding the county of Kosciusko ;

Which amendment prevailed.

On motion of Mr. Dobson,

The amendments were considered engrossed, the rules suspended, and the bill read a third time.



The question then being,

Shall the bill pass?

The Senate decided in the affirmative.

On motion of Mr. Chapman,

The title thereof was amended by adding, in the proper place, the counties of Laporte, St. Joseph, Marshall, Fulton, and Kosciusko.

*Ordered*, That the House of Representatives be informed thereof, and their concurrence requested in the amendments of the Senate.

Mr. Miller, from a select committee, made the following report :

**Mr. President :**

The select committee to whom was referred the petition of the commissioners of the county of Gibson and others, have had the same under consideration, and have directed me to report to the Senate the following bill and recommend its passage.

No. 118. A bill to legalize the proceedings of the board doing county business for the county of Gibson ;

Read a first time and ordered to a second reading.

Mr. Reeve, from a select committee, made the following report :

**Mr. President :**

The select committee to whom was referred the petition of sundry citizens of Rush county, in relation to the repeal of the legalization of the docket of Isaac Tullis, Esq., deceased, and also the remonstrance of sundry citizens of the same county against said repeal, have had that subject under consideration, and have directed me to report that legislation on that subject, at present, would be inexpedient, and request to be discharged from the further consideration thereof.

Concurred in, and the committee accordingly discharged.

Mr. Pitcher, from a select committee, submitted the following report :

**Mr. President :**

The select committee to whom was referred the bill of the House of Representatives, No. 8, entitled, "A bill to organize a new county out of the county of Dearborn, and relocate the county seat," have, according to order, had the same under consideration, and a majority have instructed me to report the bill back to the Senate and recommend its passage.

Which bill was read a second time and ordered to a third reading.

On motion of Mr. Walpole,

The Senate adjourned.

WEDNESDAY MORNING, JAN. 3, 1844.

The Senate assembled.

Mr. Ritchey moved the following question :

Is the Senate Journal of yesterday correct, so far as the same relates to ordering bill No. 8, of the House, to a third reading ?

The ayes and noes being demanded by Messrs. Ritchey and Chapman,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Henry, Herriman, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Parks, Pitcher, Read, Shanks, Stanford, Tannehill, Wilber, and Wood—29.

*Those who voted in the negative are,*

Messrs. Chapman, Farmer, Hodge, Morgan, Reeve, Ritchey, Sinclair, and Todd—8.

So the Journal was decided to be correct.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolutions of the House, to-wit :

No. 16. An act to change the time of holding probate courts in Dubois county ;

No. 60. A joint resolution in relation to certain repairs on the bridge across White river on the National road ;

No. 131. An act to amend the 4th. article of the 16th chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson ;

No. 93. A joint resolution in relation to the construction of a canal at the falls of the Ohio river ;

No. 64. An act to restrict the assessment of a poll tax within the county of Spencer ;

No. 41. An act to provide for the establishment of an additional place of holding elections in Vermillion county ;

No. 143. An act to legalize the sale of certain real estate of the minor heirs of James Whitaker, in the county of Noble ;

No. 61. A joint resolution in relation to a light-house at City West ;

No. 149. A joint resolution in relation to a grant of land for the completion of the northern end of the Central canal;

No. 72. An act regulating elections in the counties of Adams and Jay;

No. 55. An act to change the time of holding probate courts in the county of Martin;

No. 198. An act to legalize the proceedings of the board of county commissioners of Green county;

Which I have been directed to bring to the Senate for the signature of the President thereof.

And thereupon, the President signed said bills.

The President laid before the Senate the communication of John H. Bradley, Esq., accompanied with sundry depositions relative to the contested right of David Henry to a seat in this Senate.

Mr. Dobson moved to refer to the committee on elections;

Which motion failed.

Mr. Chapman moved to lay the communication and depositions upon the table.

The ayes and noes being demanded by Messrs. Chapman and Read,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—24.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, and Wilber—24.

The Senate being equally divided,

The President voted in the affirmative.

So the said communication and depositions were laid upon the table.

Mr. Dobson presented the petition of sundry citizens of Owen and Green counties, praying for the passage of an act granting Daniel Dyar the privilege of constructing a dam across White river, near the line dividing said counties; which was,

On motion of Mr. Dobson,

Referred to a select committee.

Ordered, That Messrs. Dobson, Davis of Daviess, and Parks constitute said committee.

Mr. Pennington presented the petition of Francis King and others, praying for the passage of an act to vacate a portion of the town of Northampton, in Harrison county; which was,

On motion of Mr. Pennington,

Referred to a select committee.

*Ordered*, That Messrs. Pennington, Farmer, and Stanford constitute said committee.

Mr. Akin presented the remonstrance of sundry citizens of Sullivan county, against the repeal of an act attaching a part of the county of Knox to the county of Sullivan ; which was,

On motion of Mr. Akin,

Laid upon the table.

Mr. Akin presented the petition of Joseph W. Briggs and other citizens of Sullivan county, praying for the passage of an act to remit certain damages assessed against them in favor of the State of Indiana, as sureties of William Johnson, collector of said county, and for further time to pay the judgments upon which the said damages were assessed, and for other purposes connected therewith ; which was,

On motion of Mr. Akin,

Referred to the committee on finance.

Mr. Wilber presented the petition of William Fisher and sundry other citizens of Jefferson county, praying for the passage of an act authorizing a special session of the circuit court of said county, for the purpose of trying one Thornton Acres, who is imprisoned in the jail of said county upon the charge of murder ; which was,

On motion of Mr. Wilber,

Referred to a select committee.

*Ordered*, That Messrs. Wilber, Cornett, and Read constitute said committee.

Mr. Dobson presented the petition of sundry citizens of Green and Knox counties, praying for the passage of an act to amend an act of the General Assembly of 1824, declaring Black creek navigable to a certain point therein mentioned ; which was,

On motion of Mr. Dobson,

Referred to a select committee.

*Ordered*, That Messrs. Dobson, Major, and Duzan constitute said committee.

Mr. Jones presented the petition of G. W. Jones and sundry other citizens of Fountain and Parke counties, praying for the passage of an act to authorize the Commissioner on the Wabash and Erie canal to construct a bridge across said canal at a certain point therein mentioned ; which was,

On motion of Mr. Jones,

Referred to the committee on canals and internal improvements.

Mr. Sinclear presented the petition of John H. McTaggart, of Huntington county, praying for the correction of an error in a canal land certificate ;

Also,

The petition of James R. Slack and other citizens of Huntington county, in relation to the Fort Wayne and Lafayette state road ; both of which were,

On motion of Mr. Sinclear,

Referred to the committee on canals and internal improvements.

Leave being granted,

*The following bills were introduced :*

By Mr. Read :

No. 117. A bill to repeal an act entitled, " An act to incorporate the trustees of Hanover Academy ; "

Read a first time ; whereupon,

On motion of Mr. Read,

The rules were suspended, the bill was read a second time, and Referred to the committee on corporations.

By Mr. Defrees :

No. 118. A bill incorporating the town of South Bend, St. Joseph county, Indiana ;

Read a first time ; whereupon,

On motion of Mr. Chapman,

The rules were suspended, the bill was read a second time, and Referred to the committee on corporations.

By Mr. Reeve :

No. 121. A bill in relation to the boundary of Rush county ;

Read a first time and passed to a second reading.

By Mr. Hodge :

No. 122. A bill to incorporate the Muncietown and Grant County Turnpike Company ;

Read a first time ; and thereupon,

On motion of Mr. Hodge,

The rules were dispensed with, the bill was read a second time, and Referred to the committee on corporations.

On motion of Mr. Pitcher,

No. 8. A bill (of the House) to organize a new county out of the county of Dearborn, and relocate the county seat thereof ;

Was taken from the files and read a third time.

The question then being,

Shall it pass ?

Mr. Orth moved to recommit the bill to a committee of its friends, with instructions to report the precise number of square miles in the county of Dearborn, as now constituted, and also the number of square miles in the proposed county of Ohio ; and report the same to the Senate at as early a day as practicable, together with the evidence, or a synopsis of it, upon which they base their report.

Mr. Walpole moved to lay the motion and instructions upon the table.

The ayes and noes being demanded by Messrs. Ritchey and Orth,

*Those who voted in the affirmative are,*

Messrs. Akin, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Duzan, Ewing, Herriman, Hodge, Hoover, Hutton,

Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Parks, Pitcher, Read, Sands, Shanks, Sinclear, Tannehill, Walpole, and Wood—35.

*Those who voted in the negative are,*

Messrs. Alexander, Henry, Orth, Pennington, Reeve, Ritchey, Stanford, Todd, and Wood—9.

So the motion and instructions were laid upon the table.

On motion of Mr. Ritchey,

*Ordered,* That the following communication be embodied in the Journal:

Mr. PRESIDENT:

The bill of the House now before the Senate, to divide the county of Dearborn, and relocate the seat of justice thereof, is of so much importance to those I represent, that (notwithstanding my illness) I feel it a duty to make a brief statement of [facts] in relation to it.

It is known to many honorable members of the Senate that a local difficulty has existed in Dearborn county ever since the formation of the State Government. The southern corner of said county asking to be set off to itself; the main portion continuing to resist any attempt of the kind, with the hope, at some day, of restoring peace in some other manner. Last Spring, however, finding all other modes fruitless, public meetings were held, giving notice that the disaffected portion of the county would make an effort to effect two objects—strike off the surplus into a new county, and place the seat of justice in a more proper place. This the entire delegation were instructed, at the ballot box, to carry into effect, by a very large majority; in fact, so overwhelming seems to have been public opinion in favor of the measure proposed, that after an effort of the minority, in the immediate neighborhood of the present county seat, to remonstrate, it was abandoned, with the impression that opposition was useless, and that the question would be for ever put to rest at this session of the Legislature.

This bill, sir, is the result of that compromise. By it the citizens ask to have confirmed, by legal enactment, an agreement deliberately entered into, by which only they believe all attempts to agitate the question in future would prove harmless, and enable them, after twenty years of strife within themselves, and *immense expense* to the State, to become a united people.

Mr. President, if I doubted, in the least, that a surplus over four hundred square miles existed in the county of Dearborn, to the full amount asked for in the bill, I would not advocate it, nor would those I represent expect or permit me to do so. But, sir, the evidence obtained at the Auditor's office I take to be clear and conclusive on this subject. Then our greatest misfortune is, we are compelled to ask so small a county; by which, however, we ask no violation of right, not

even of one individual; for, I believe every one in the proposed new county is anxious to go, and a large portion of the old are equally anxious to get rid of them.

We simply ask this Honorable Senate to interpose its legal power and ratify the best and only compromise that can be made of the Dearborn local question, with the assurance, on my part, as their Representative, that the passage of this bill will soon produce a lasting peace, whilst its rejection would inevitably re-produce renewed controversy.

I confidently indulge the hope, that the Senate will avail themselves of this opportunity to settle this vexed question finally, by the passage of the proposed bill.

Very respectfully,

GEO. P. BUELL.

Mr. Mitchell moved the previous question;

Which was seconded by the Senate.

The main question, Shall the bill pass? being propounded,

The ayes and noes were demanded by Messrs. Ritchey and Mitchell.

*Those who voted in the affirmative are,*

Messrs. Akin, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Morgan, Parks, Pitcher, Sands, Shanks, Sinclear, Tannehill, Todd, Walpole, and Wood—31.

*Those who voted in the negative are,*

Messrs. Alexander, Chapman, Henry, Moore, Orth, Pennington, Read, Reeve, Ritchey, Stanford, and Wilber—11.

So the bill was passed.

Mr. Ewing was excused from voting on the passage of said bill.

*Ordered,* That the House be advised of the passage of said bill.

On motion,

The Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

On motion of Mr. Walpole,

*Resolved,* That the House of Representatives be informed that the Senate is now ready, and will proceed to the election of President of the State Bank, with closed doors.

Messrs. Carr of Lawrence and Cornett were appointed tellers on the part of the Senate.

On motion of Mr. Walpole,  
A call of the Senate was ordered.

On motion of Mr. Davis of Daviess,  
A further call was suspended.

On motion of Mr. Walpole,

The Senate proceeded to the election of President of the State Bank, with closed doors.

Upon counting the votes of the first ballot it appeared that,

William Hendricks	received	-	-	-	-	-	10 votes.
Samuel Merrill	"	-	-	-	-	-	20 "
James Morrison	"	-	-	-	-	-	10 "
James White	"	-	-	-	-	-	4 "
Edward W. McGaughey	"	-	-	-	-	-	2 "
Alexander S. Burnett	"	-	-	-	-	-	1 vote.
Abel C. Pepper	"	-	-	-	-	-	1 "

Neither of the candidates having obtained a majority of all the votes given, the Senate proceeded to a second balloting; when it appeared that,

William Hendricks	received	-	-	-	-	-	11 votes.
Samuel Merrill	"	-	-	-	-	-	21 "
James Morrison	"	-	-	-	-	-	11 "
James White	"	-	-	-	-	-	1 vote.
Edward W. McGaughey	"	-	-	-	-	-	2 votes.
Alexander S. Burnett	"	-	-	-	-	-	1 vote.
George H. Dann	"	-	-	-	-	-	1 "

Neither of the candidates having obtained a majority of all the votes given, the Senate proceeded to a third balloting; when it appeared that,

William Hendricks	received	-	-	-	-	-	12 votes.
Samuel Merrill	"	-	-	-	-	-	18 "
James Morrison	"	-	-	-	-	-	15 "
James White	"	-	-	-	-	-	1 vote.
Edward W. McGaughey	"	-	-	-	-	-	2 votes.

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a fourth balloting; when it appeared that,

William Hendricks	received	-	-	-	-	-	8 votes.
Samuel Merrill	"	-	-	-	-	-	20 "
James Morrison	"	-	-	-	-	-	19 "
Edward W. McGaughey	"	-	-	-	-	-	1 vote.

Neither of the candidates having obtained a majority of all the votes given, the Senate proceeded to a fifth balloting; when it appeared that,



William Hendricks	received	-	-	-	-	7 votes.
Samuel Merrill	"	-	-	-	-	20 "
James Morrison	"	-	-	-	-	20 "
Edward W. McGaughey	"	-	-	-	-	1 vote.

Neither of the candidates having obtained a majority of all the votes given, the Senate proceeded to a sixth balloting; when it appeared that,

William Hendricks	received	-	-	-	-	4 votes.
Samuel Merrill	"	-	-	-	-	21 "
James Morrison	"	-	-	-	-	21 "
Edward W. McGaughey	"	-	-	-	-	1 vote.
William Daily	"	-	-	-	-	1 "

Neither of the candidates having obtained a majority of all the votes given, the Senate proceeded to a seventh balloting; when it appeared that,

William Hendricks	received	-	-	-	-	2 votes.
Samuel Merrill	"	-	-	-	-	23 "
James Morrison	"	-	-	-	-	21 "
Edward W. McGaughey	"	-	-	-	-	1 vote.
William Daily	"	-	-	-	-	1 "

Neither of the candidates having obtained a majority of all the votes given, the Senate proceeded to an eighth balloting; when it appeared that,

William Hendricks	received	-	-	-	-	1 vote.
Samuel Merrill	"	-	-	-	-	23 votes.
James Morrison	"	-	-	-	-	21 "
Edward W. McGaughey	"	-	-	-	-	2 "
— Peaslee	"	-	-	-	-	1 vote.

Neither of the candidates having obtained a majority of all the votes given, the Senate proceeded to a ninth balloting; when it appeared that,

Samuel Merrill	received	-	-	-	-	26 votes.
James Morrison	"	-	-	-	-	22 "

Samuel Merrill having obtained a majority of all the votes given, was declared, by the President, duly elected President of the State Bank, on the part of the Senate.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk:

Mr. PRESIDENT:

I am directed by the House of Representatives to deliver to the Senate the accompanying sealed message in relation to the election of President of the State Bank of Indiana.

Which sealed message was in the following words, to-wit:

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House, at an election held in the House, in pursuance of a joint resolution of both Houses, for the purpose of electing a President of the State Bank of Indiana, to fill the vacancy occasioned by the expiration of the term of service of Samuel Merrill, Esq., with closed doors, on the fifth ballot, James Morrison, having received a majority of all the votes given, was declared duly elected on the part of the House.

Attest,

WM. H. ENGLISH,  
*Principal Clerk.*

There being a disagreement between the choice of the two Houses, The Senate proceeded to a second separate vote for the President of the State Bank of Indiana.

Upon counting the votes of the first ballot, it appeared that,

Samuel Merrill received	-	-	-	-	-	21 votes.
James Morrison	"	-	-	-	-	24 "
William Hendricks	"	-	-	-	-	3 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a second balloting; when it appeared that,

Samuel Merrill received	-	-	-	-	-	22 votes.
James Morrison	"	-	-	-	-	21 "
William Hendricks	"	-	-	-	-	5 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a third balloting; when it appeared that,

Samuel Merrill received	-	-	-	-	-	23 votes.
James Morrison	"	-	-	-	-	24 "
William Hendricks	"	-	-	-	-	1 vote.

Neither of the candidates having obtained a majority of all the votes given, the Senate proceeded to a fourth balloting; when it appeared that,

Samuel Merrill received	-	-	-	-	-	25 votes.
James Morrison	"	-	-	-	-	22 "
William Hendricks	"	-	-	-	-	1 vote.

Samuel Merrill having obtained a majority of all the votes given, the President declared him duly elected President of the State Bank of Indiana, on the part of the Senate.

The following message was received from the House of Representatives, by Mr. English, their Principal Clerk:

**Mr. PRESIDENT :**

I have been directed by the House of Representatives to deliver to the Senate the accompanying sealed message in relation to the election of President of the State Bank of Indiana.

Which sealed message was in the following words, to-wit :

**Mr. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that at an election held in the House, in pursuance of a joint resolution of both Houses, for the purpose of electing a President of the State Bank of Indiana to fill the vacancy occasioned by the expiration of the term of service of Samuel Merrill, Esq., with closed doors, on the first ballot, James Morrison, having received a majority of all the votes given, was declared duly elected on the part of the House.

Attest,

**WM. H. ENGLISH,**  
*Principal Clerk.*

There being a disagreement in the choice of the two Houses,  
The Senate proceeded to a third separate vote.

Upon counting the votes of the first ballot, it appeared that,

Samuel Merrill received	-	-	-	-	-	22 votes.
James Morrison	"	-	-	-	-	22 "
William Hendricks	"	-	-	-	-	4 "

Neither of the candidates having obtained a majority of all the votes given, the Senate proceeded to a second balloting ; when it appeared that,

Samuel Merrill received	-	-	-	-	-	23 votes.
James Morrison	"	-	-	-	-	23 "
William Hendricks	"	-	-	-	-	2 "

Neither of the candidates having obtained a majority of all the votes given, the Senate proceeded to a third balloting ; when it appeared that,

Samuel Merrill received	-	-	-	-	-	24 votes.
James Morrison	"	-	-	-	-	23 "
William Hendricks	"	-	-	-	-	1 vote.

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a fourth balloting ; when it appeared that,

Samuel Merrill received	-	-	-	-	-	29 votes.
James Morrison	"	-	-	-	-	18 "
Edward W. McGaughey received	-	-	-	-	-	1 vote.

Samuel Merrill having received a majority of all the votes given, the President declared him duly elected (the third time) President of the State Bank of Indiana, on the part of the Senate.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

I am directed by the House of Representatives to deliver to the Senate a sealed message in relation to the election of President of the State Bank of Indiana.

Which sealed message was in the following words, to-wit :

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that at an election (third trial) held in the House, in pursuance of a joint resolution of both Houses, for the purpose of electing a President of the State Bank, to fill the vacancy occasioned by the expiration of the term of service of Samuel Merrill, the doors having been closed, on the first ballot, James Morrison, having received a majority of all the votes given, was declared duly elected on the part of the House.

Attest,

WM. H. ENGLISH,  
*Principal Clerk.*

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

I am directed to inform the Senate that the House has adopted the following preamble and resolution :

*Whereas*, the House of Representatives has made three unsuccessful separate ballotings for President of the State Bank, without agreeing with the Senate : therefore,

*Resolved*, That the Senate be invited to attend *forthwith* in the Hall of the House of Representatives for the purpose of proceeding by joint ballot to the election of President of the State Bank, and that seats be provided for them on the right of the Speaker's chair.

Whereupon, the Senate repaired to the Hall of the House of Representatives for the purpose of proceeding by joint ballot to the election of President of the State Bank of Indiana.

Upon counting the votes of the first ballot it appeared that,

James Morrison	received	-	-	-	-	68 votes.
Samuel Merrill	"	-	-	-	-	69 "
Edward W. McGaughey	"	-	-	-	-	2 "
William Hendricks	"	-	-	-	-	2 "
Scattering,	-	-	-	-	-	6 "

Neither of the candidates having obtained a majority of all the votes given, the Convention proceeded to a second balloting ; when it appeared that,

James Morrison	received	-	-	-	-	-	71 votes.
Samuel Merrill	"	-	-	-	-	-	70 "
Edward W. McGaughey	"	-	-	-	-	-	4 "
Blank,		-	-	-	-	-	3 "

Neither of the candidates having obtained a majority of all the votes given, the Convention proceeded to a third balloting; when it appeared that,

James Morrison	received	-	-	-	-	-	74 "
Samuel Merrill	"	-	-	-	-	-	71, "
Edward W. McGaughey	"	-	-	-	-	-	2 "
Blank, -		-	-	-	-	-	1 vote.

Neither of the candidates having obtained a majority of all the votes given, the Convention proceeded to a fourth balloting; when it appeared that,

James Morrison	received	-	-	-	-	-	77 votes.
Samuel Merrill	"	-	-	-	-	-	67 "
Blank,		-	-	-	-	-	2 "

James Morrison having obtained a majority of all the votes given, the President declared him duly elected President of the State Bank of Indiana for and during the term of five years from and after the expiration of the term of service of the present incumbent.

The President then proclaimed the Convention adjourned *sine die*. Whereupon the Senate returned to their chamber, and,

On motion of Mr. Ritchey,  
Adjourned.

## THURSDAY MORNING, JAN. 4, 1844.

The Senate assembled.

Mr. Miller presented an extract of the proceedings of the board of trustees of the Hanover College; which was,

On motion of Mr. Miller,

Referred to the committee on corporations.

Mr. Chapman, chairman of the committee on elections, made the following report from said committee relative to the contested right of David Henry to a seat in this Senate:

Mr. PRESIDENT :

The committee on elections, to which was referred the memorial of Daniel Kelso, and other papers relative to the case of the contested seat between him and David Henry, both of whom claim to be the legally elected Senator from the county of Switzerland, respectfully submit the following

### REPORT :

In accordance with the spirit of a resolution of the Senate, as well as from an earnest desire to do justice to the individual claimants, and to the people of their county, they have patiently heard all the arguments which the parties, or their counsel, have seen proper to submit. They have also given to the subject all the consideration which its importance seemed to demand, and which the time allowed them and their other duties would permit. Whether their investigations have been such as to lead them to just and correct conclusions, or not, remains for the Senate to determine.

In one respect the case now under consideration differs from that of any other with which the committee are acquainted. In all other cases which have come to the knowledge of the committee, the sitting member has been able to establish a *prima facie* right to his seat by the production of a certificate of election from the proper authority; thereby throwing the burthen of proof upon the contesting party. But in this case they were surprised to find even this kind of evidence entirely wanting.

It is true that Mr. Henry produces the certificate of the auditor of Switzerland county, certifying that in comparing the returns of the election it appeared that Mr. Henry had received the highest number of votes polled for the office of State Senator. Your committee cannot admit, however, that this certificate furnishes any evidence whatever of Mr. Henry's election, or of his right to a seat in the Senate. The 17th section of "An act to regulate general elections," approved Feb. 17th, 1838, prescribes the manner in which the returns shall be made to the clerk of the circuit court, as well as the kind of certificate to be given by him to the successful candidates as evidence of their election. It is contended, however, that these provisions have been changed by the 8th section of an act entitled, "An act regulating the duties of clerks of the circuit courts, and county auditors," approved January 31st, 1842. But by a reference to that act, it will be seen that it only transfers "the duties heretofore performed by the clerks of the several circuit courts in this State, under the order of the boards doing county business, in relation to either general, or county, or township elections." And as none of the duties prescribed by the 17th section of the former act were performed by the clerks, "under the order," or by the direction "of the boards doing county business," it is conceived to be beyond dispute that the clerks are still the proper per-

sons to receive the returns of the judges, and to furnish the certificate of election.

If this be a correct view of the law, Mr. Henry's certificate is of no more validity than it would have been if made by the sheriff or school commissioner of his county. Indeed, the committee can view this case in no other light than as if no returns had ever been made to any person, or at any place, by the officers of election in the different townships. But they do not conceive that after the people had made their selection of officers, by depositing their tickets in the ballot box, any failure upon the part of the election officers to make the return required of them by law, whether that failure arose from negligence or a fraudulent design, could affect the election, or deprive the person receiving a majority of the legal votes of his right to hold the office for which he was selected. They were induced, therefore, to look to the further evidence submitted to them for the purpose of ascertaining to whom a majority of such votes had been given in this case. Before doing so, however, objections were interposed by Mr. Henry, entirely denying Mr. Kelso's right to contest his seat, for a variety of reasons which were submitted to the committee, and which received due consideration at our hands.

It was admitted that notice of Kelso's intention to contest had been served upon Mr. Henry, as well as the proper officers, within the time contemplated by the statute; and that the commissioners of the county of Switzerland had been regularly convened for the purpose of hearing and taking down the testimony relating to the case. But it was objected that Mr. Kelso had not, at the time of entering upon the contest, by the service of the notice upon Mr. Henry, taken the oath prescribed by the 40th section of the act to regulate general elections, passed in 1838. That section is as follows:

"SEC. 40. No person shall contest any election unless he shall have previously taken an oath, before some person duly authorized to administer oaths in this state, that he is a qualified voter of the state of Indiana, and that the charges and specifications, or points on which he means to rely, as set forth in the notice delivered to the person whose election is about to be contested, are true as he verily believes, which affidavit shall be delivered to the presiding officer of the Senate."

To give to the language, "no person shall contest *any* election until," &c., a literal construction, it might be made to apply to this case. But this would be a construction involving so great an absurdity that it is believed no man of ordinary capacity could avoid condemning it. It would be saying, that before the election of any person to a state, county, or even township office could be contested, the individual desirous of contesting should take an oath that he was a qualified voter, not of the district in which such election was holden, but of the state of Indiana, and deliver the same to the presiding officer of the Senate. This absurdity alone would be sufficient to satisfy the committee that such a construction was never intended, even if this conclusion rendered the section perfectly nugatory. But such is not the

case. On the contrary, the committee think it susceptible of another construction, which will render it consistent with other portions of the law, carry out the meaning and intention of the legislature, and bring it more nearly to the rules of common sense. The sections immediately preceding, from the 36th to the 39th, inclusive, relate to the contesting of an election for Governor and Lieutenant Governor, and provide for the trial of such contest before a joint committee of both branches of the General Assembly. And that the provisions of the 40th section were intended to apply to these contests, and to these only, does not, in the opinion of the committee, admit of a doubt. Hence the affidavit is only required to state that the contestor is a legal voter of the state, and is to be filed with the presiding officer of the Senate. Confine it to these contests, and the reason of the law is palpable and obvious. The principle upon which it is founded is that no one who is not entitled to a voice in the filling of the office has any right to complain, and consequently shall not interfere in the matter by way of a contest. The person, therefore, who wishes to contest, is very properly required, not only to make the affidavit, but to file it with the Senate, that the Legislature may know the fact before taking any steps in relation to such contest.

But if further evidence were wanting to warrant this conclusion, it might be found in another part of the same act. The 34th section provides for contesting the right of any person proclaimed duly elected to the General Assembly, and requires the person intending to contest such seat, to give notice of such intention to the person declared duly elected, within ten days after such election. The first part of the 35th section expressly provides who may, or rather, who may not, contest these elections, and is as follows :

"No person shall contest any election, unless he is an elector of that county or district in which the elections are held."

Here the same principle is recognized which we have applied to the other section, and which requires the contestor to be a person entitled to a voice in filling the office. And yet we are asked to say in this case, that Mr. Kelso should have filed his affidavit with the President of the Senate before giving the notice of contest, stating that he was a qualified voter of the state of Indiana, while the section just quoted requires him to be a legal voter of Switzerland county, to entitle him to contest Mr. Henry's seat.

The committee have been thus particular in noticing this objection, not because they believed it entitled to any weight, but because it was strenuously insisted upon by the counsel for Mr. Henry.

Another objection urged against Kelso's right to prosecute this contest was, the uncertainty and insufficiency of the notice served upon Mr. Henry. The 34th section, before referred to, requires that the notice shall specify the points upon which the same is contested. And although the notice in this case did specify the ground of contest to be the reception of illegal votes by Mr. Henry, yet, inasmuch as the names of the illegal voters, and the reasons why they were illegal, were not given, it was urged that the notice was insufficient, and,



therefore, void. Your committee could not, however, view it in this light.

The object of the notice is to apprise the party that his seat will be contested; and the reason why it is required to state the grounds of contest seems to be that the party may know the issue to be tried, and that it is sufficient, if proven, to set aside his claim. By applying to this notice the strictest rules of the common law, as applied to pleadings in courts of justice, we think it will be found to be all that even they would require. It is a general rule, too long and too well established to be successfully controverted now, that a declaration in an action at law, to which this notice is somewhat similar, need be no more specific in its averments than the proof. Let us test the notice in this case by this rule, and see if it be not sufficient. The ground specified is the receipt of illegal votes by Mr. Henry. Suppose Mr. Kelso had produced a witness, and proven by him that he voted for Mr. Henry, and had then asked him if he were, at the time of giving such vote, entitled to do so, to which the witness had answered "no," and the testimony had there stopped, would any man in his senses have contended that this was insufficient because the witness did not go on and state the reasons why he was not a voter? We apprehend not.

But again: suppose the notice had stated the witness to have been an illegal voter because he was a non-resident of the State, and the witness had sworn he was a resident of the State, but an unnaturalized foreigner; in this case the vote would have been clearly illegal, and yet, according to the doctrine contended for, no advantage could have been taken of it.

A third objection urged against the right to contest, was, that the commissioners of Switzerland county had, when convened for the purpose of taking down testimony, refused to do so.

This objection was, in the opinion of the committee, equally unsubstantial with those before noticed. To have admitted its validity would have been saying, in effect, that notwithstanding the constitution makes each branch of the General Assembly the judges of the qualifications and elections of its own members, the refusal of another and a distinct body to perform certain duties enjoined upon them by law, would take away this constitutional right. To a conclusion involving such consequences, the committee cannot yield their assent.

But another reason why this objection ought not to prevail, is, that the refusal of the commissioners was substantially the act of Henry himself, it being a case where the old law maxim, "*qui facit per alium, facit per se*," applies with full force. And to sanction the objection would be to permit Henry to take advantage of his own wrong.

Having overruled the objections to the right of Mr. Kelso to contest, a motion was made by Mr. Henry for a commission to take the testimony of witnesses in Switzerland county. This motion was founded upon the affidavits of Mr. Henry, and was urged for the purpose of enabling him to prove:

- 1st. That illegal votes were given to Kelso.

2d. That legal votes were rejected which would have been given for Henry.

3d. That votes given for Henry, and alleged to have been illegal, were in fact legal.

4th. That Henry received the greatest number of legal votes.

5th. That there was a mistake in the written returns of Posey township.

But little need be said as to the rejection of legal votes, which would have been given for Henry, as it is apprehended no one will seriously contend that if such were proven to have been rejected, it would have availed Mr. Henry any thing in this contest. The Statute provides a remedy for the reception of illegal votes, but is entirely silent, so far as relates to its being a ground of contest, in relation to the rejection of legal ones. Indeed this point was not urged before the committee by the counsel for Mr. Henry.

The 1st, 3d, and 4th reasons assigned for the issuing of the commission are substantially the same, and may be considered together.— They relate to the only ground assigned in the notice of contest, and are admitted to be the legitimate subjects of proof. But the committee were not called upon to say whether they would receive evidence to substantiate these charges or not, but whether they would give further time to procure the proper evidence. This being a question addressed to the discretion of the committee, they thought it right and proper to have reference to the history of the case in determining it. It is admitted by Mr. Henry that the notice of contest was served upon him on the 9th of August, the very day on which the returns were to have been made by the returning officers. The only ground of contest being the reception of illegal votes by Mr. Henry, from the time of the service of that notice up to the time of the meeting of the Senate, the way was open for him to have proven these facts, and the committee conceive it to have been his duty to do so, or to render some reasonable excuse for his delay. The only excuse offered may be found in the affidavits of Mr. Henry, and is that Kelso did not ask to have any evidence taken before the commissioners, but seemed to acquiesce in, and in his (Henry's) opinion, to be pleased with their decision in refusing to hear any.

We could not recognize the reasonableness or validity of this excuse. The record of the board of commissioners substantially disproves the truth of it, and shows the refusal of the board to hear any evidence to have been at the instigation of Mr. Henry himself.

It is urged, however, that Mr. Henry was not bound to take any evidence to show his right to a seat until Kelso had taken testimony to disprove it, and that then he was too much engaged to attend to it. There are too many objections to this reasoning to admit of its adoption by the committee. No court of law or equity will excuse a party for failing to take testimony to prove facts of the importance of which he has a full knowledge, simply because his adversary has neglected to take testimony to prove his facts. In this case, the issue was clearly and fully made by the service of the notice of con-

test. The only question was as to which of them had received the greatest number of *legal* votes. Henry had full notice that Kelso intended to show that a part of the votes received by him were illegal, and he also knew that he had a right to answer this by showing that Kelso had received a greater number of such votes; and had it not been for the interference of Henry, Kelso would have taken his testimony at as early a day as possible. But besides all this, Henry must be presumed to have known that no return had ever been made to the proper office by the returning judges of a single township in his county, that he had no certificate of election and could get none, and that it was his duty to procure some other evidence of his having received a majority of the votes of his county; and yet, with all these facts before him, and the notice of contest staring him in the face, he remained inactive for more than three months, without taking the first step in his case. Under these circumstances, to have granted this motion would have been to establish a precedent which, if carried out, would, in effect, destroy the whole right of contest. If an individual, whose right to a seat in the Legislature, and especially in the lower branch of it, may remain wholly unconcerned, without taking any steps to vindicate that right, until the meeting of the body of which he claims to be a member, and then have time to send to the most remote portions of the State, or of the United States, for his witnesses may not necessarily live in the State, to procure evidence which he might just as well have obtained before, the session for which he claims to have been elected, would, in many instances, expire before that testimony could be procured, and thus the whole object of the contest would be defeated.

So far as relates to the fifth, and only remaining fact which Mr. Henry desired time to prove, the committee will only add that, besides the reasons heretofore given, which apply to this point, depositions had already been taken by Mr. Henry, and were then before them, substantially showing the same facts.

Many other reasons might be urged by the committee in support of their decision overruling this motion, but they trust these will be sufficient to dispel every reasonable doubt of its correctness. The unreasonable they do not hope to satisfy.

The committee were next asked by Mr. Henry, to send for the ballots, the tally papers, and list of voters, filed by the returning judge of Posey township, in Switzerland county, with the auditor of said county, for the purpose of proving the number of votes each of said claimants received at said poll, which they refused, not only upon the principles before laid down, but for the additional reason that depositions were then before them, proving the same fact.

Mr. Henry then moved to suppress all the depositions taken by Mr. Kelso, and submitted to the committee; first, because they were taken without authority of law, and were extrajudicial and *ex parte*; second, because they were taken at an improper time; third, because the witnesses were not sworn to testify to the whole truth; fourth, because all the testimony, except that which relates to the vote of

Nimrod Bannister, was secondary, and not the best evidence; fifth, because the testimony relating to the vote of Bannister, was irrelevant; sixth, because Kelso had specified no points in his notices to Mr. Henry. The committee could see no force in any of these reasons, except the fourth, which only applies to a part of the evidence, which was, for that reason, suppressed, and not considered by the committee. It is true that this testimony was not taken before the board of commissioners, in accordance with the provisions of the 34th section of the act of 1838. But it is admitted by Mr. Henry that the Senate has the inherent right of directing in what manner testimony may be taken in cases of this kind, independent of all statutory provisions. If they may authorize the taking of testimony in such manner as to them may seem proper and expedient, without reference to the statute, the committee cannot see why the same rule would not authorize them to sanction the taking of, and to receive evidence taken before persons legally qualified to take depositions in other cases, although the statute may not expressly authorize them to do so in cases like this. It must be observed, too, that although the statute authorizes the commissioners to take and transmit testimony in such cases, it does not prohibit the reception of other evidence, nor exclude its being taken in any other way. To adopt the doctrine advanced by the counsel for Mr. Henry, that no evidence can be received except such as is taken before the board of commissioners, or under the order of the Senate, would be to place it in the power of the board, by refusing to act, to retard the whole proceeding until the meeting of the Legislature, the objections to which have already been considered. But this is not all. Suppose the evidence is in another county or state, and cannot be brought before the board, will it be contended that the party shall be prohibited from taking it until he can get an order from the Senate authorizing him to do so? Or if he have taken it before a person competent to administer oaths, and on due notice to the other party, shall it be thrown aside, and he be sent back, under the order of the Senate, to retake it before the same person? The injustice and impolicy of such a rule should exclude its adoption, unless it were positively prescribed, which is believed not to be the case.

The committee see no objection as to the time of taking this testimony.

The third objection is not true in point of fact, every witness having been first "*duly sworn*."

Some of this testimony was found to be hearsay, and for that reason was suppressed, notwithstanding the almost utter impossibility of procuring any other in cases like the present.

We are at a loss to know why the testimony in relation to Bannister's vote was considered irrelevant by the counsel of Mr. Henry, and especially as it was the testimony of Bannister himself as to the person for whom he voted, and of others, who testified from their own personal knowledge as to his right to vote; the legality of his vote, and that of others, being the issue made by the notice.

The last objection urged goes to the whole depositions, and among other things it was argued that the notice should have contained a statement that the contestor was an elector, inasmuch as the statute only authorizes the qualified electors of the county or district to contest an election. So, too, the statute regulating the practice in suits at law, prohibits negroes, mulattoes, and Indians from being witnesses in actions between whites; but who ever heard a notice to take depositions objected to because it did not state that the witness, whose testimony was to be taken, was not a negro?

The testimony submitted by Mr. Kelso having been thus purged by the committee, their attention was called to that submitted by Mr. Henry, and, on motion of Mr. Kelso, that part of it which related to the contents of the tally papers and other written instruments, was suppressed.

The only remaining duty which the committee felt called upon to perform, was the examination of the legitimate evidence before them. Upon doing this, they found no testimony showing the number of votes received by either of the claimants except their own admissions. Upon the part of Mr. Kelso, it was claimed that the written certificates of the returning judges showed him to have received nine hundred and seventeen votes, while Mr. Henry had received but nine hundred and sixteen. On the other hand, Mr. Henry claimed, in his affidavit, that there was a mistake of two votes in the written certificate of the judges of Posey township, which would leave Kelso but nine hundred and fifteen votes. This statement was corroborated by the testimony of witnesses whose depositions were submitted to the committee. We were induced, therefore, to fix the whole number of votes received by Mr. Kelso at nine hundred and fifteen, and those received by Mr. Henry at nine hundred and sixteen. Upon recurring to the testimony submitted by Mr. Kelso, however, they thought it clearly proved that Mr. Henry had received the vote of Nimrod Bannister, an illegal voter. This reduced his vote to nine hundred and fifteen, and left the parties with an equal number of legal votes. Under these circumstances the committee could arrive at no other conclusion than that neither of the claimants was entitled to a seat in the Senate, as neither of them had received a majority of the legal votes of the district. It is true that the 17th section of the act of 1838 provides, that in case two or more should be equal in votes, the clerk and judges who may be present shall decide by lot who is elected. But in addition to the fact that no such means were resorted to in this case, the committee are free to say that they regard this provision in the law as clearly unconstitutional, and therefore void. The first section of the third article of the Constitution of the State provides that "the legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, *both to be elected by the people*. The fifth section of the same article requires the members of the Senate to be elected by the qualified voters for Representatives, *on the first Monday in August*. They cannot, therefore, concede, not only that the time of the election shall be changed from that fixed

by the Constitution to the Wednesday succeeding, but also that the manner of electing shall be so altered as to take it from the people and submit it to the decision of chance, or of the clerk and returning judges. From a careful investigation of the whole case, the committee have been induced to recommend the adoption of the following resolutions:

*Resolved*, That David Henry is not entitled to a seat in this Senate as the legally elected Senator from the county of Switzerland.

*Resolved, further*, That there was no election of Senator at the August election, A. D. 1843, within and for the county of Switzerland, and that there is now a vacancy in said office, which should be filled by the people of said county according to law.

The above report was read, and,

On motion of Mr. Defrees,

Was laid upon the table until Saturday next, to give time to the minority of said committee to make a report upon the same subject.

Mr. Chapman, from the same committee, also reported the following Journal of the proceedings of said committee, in relation to the contested seat of David Henry.

**JOURNAL**  
**OF THE**  
**COMMITTEE ON ELECTIONS.**

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**GENERAL ASSEMBLY OF INDIANA, }**  
**TWENTY-EIGHTH SESSION, 1843. }**

**IN SENATE.**

**COMMITTEE ON ELECTIONS,**

**Messrs. CHAPMAN, BERRY, COTTON, DAVIS of Daviess, FARMER,**  
**KENNEDY, DEFREES, SHANKS, and ALEXANDER.**

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**SATURDAY, DECEMBER 9, 1843, }**  
**2 o'clock, P. M. }**

The Chairman called the committee to order, and laid before them the following papers and documents, to-wit :

No. 1. Certificate of county auditor of Switzerland county of David Henry's election.

No. 2. Memorial of Daniel Kelso.

No. 3. Record of proceedings of county commissioners of Switzerland county, and certified copies of election returns.

No. 4. Depositions taken by Daniel Kelso.

No. 5. Depositions taken by David Henry.

Nos. 6 & 7. Resolutions of the Senate.

No. 8. Affidavit of Daniel Kelso.

On motion of Mr. Defrees,  
*Resolved*, That the Chairman of this committee ask leave of the Senate to employ a clerk.

On motion of Mr. Davis,  
*Resolved*, That this committee adjourn to meet again on Monday evening next at half past six o'clock, and that Messrs. Henry and Kelso be informed thereof.

## PAPERS AND DOCUMENTS.

### NO. 1.

#### *Certificate of the County Auditor.*

STATE OF INDIANA,     }  
 Switzerland County,   } *Sct.*

I, John M. King, auditor of said county, do hereby certify that on comparing the returns of a general election held in said county on the first Monday of August, 1843, at the court house in the town of Vevay in said county, on Wednesday, the 9th day of August, 1843, in presence of the returning judges of all the townships of said county, it did appear that, for Senator in the State Legislature, David Henry received the highest number of votes polled for that office, and was thereupon declared duly elected for three years from the first Monday of August, A. D. 1843.

[L. s.] Given under my hand and the seal of the board of county commissioners at Vevay, this 9th day of August, A. D. 1843.

JOHN M. KING, *County Auditor.*

### NO. 2.

#### *Memorial of Daniel Kelso.*

*To the Honorable the Senate of the State of Indiana, in General Assembly convened, at the twenty-eighth session thereof.*

The memorial of Daniel Kelso of Switzerland county, in the State of Indiana, and a resident of said county for more than ten years continuously to this time, respectfully represents:

That at the election of a State Senator for the county of Switzerland, in the said State of Indiana, held on the first Monday in August of the present year, to-wit, the seventh day of August, 1843, to serve in your honorable body during the term of three years, he was a candidate for said office of Senator for said county, and that he received



in said county collectively, at said election, for the office of Senator as aforesaid, nine hundred and seventeen votes, as shown by the certificates of returns made from the whole number of townships in said county; and that his competitor for said office, David Henry, Esq., received for said office, at said election, nine hundred and sixteen votes, and no more, as shown by the election returns aforesaid, in said county.

And further, that at the said election at the polls opened in the townships of Jefferson, York, Posey, and Cotton, in said county, there were votes cast and given for said David Henry for the said office of Senator for said county, and against your memorialist, by persons who were not, at the time and place of casting and giving said votes for said David Henry, legally qualified voters of the said county of Switzerland; and that the number of such illegal votes so cast and given for said Henry for said office of Senator, at the election aforesaid, were, and are not less than, six in number. Nevertheless, the county auditor of said county of Switzerland gave to the said David Henry a certificate, under the seal of the board of county commissioners of said county, certifying that he, said Henry, was duly elected to the said office of Senator for said county for the term of three years aforesaid, and that the said David Henry has taken a seat in your honorable body as such Senator, accordingly, at the present session.

Your memorialist would further represent, that within ten days after said election, he (being a qualified voter and elector of the said county of Switzerland at said election) did then and there give to said David Henry a notice, in writing, that he, your memorialist, would contest the right of him, the said David Henry, to a seat in the Senate of Indiana, at the next General Assembly of said State, on account of illegal votes given for him, the said Henry, for the office of Senator at the election aforesaid, and the said David Henry acknowledged the receipt of said notice, in writing, under his own proper signature.

And further, that your memorialist caused notice in writing to be served on the inspectors, judges, and clerks of said election, so held as aforesaid in the townships of Jefferson, York, Posey, and Cotton, within said county, within ten days from and after said election took place, and also within the same time, to-wit, ten days from and after said election, caused to be served on the sheriff of said county of Switzerland a notice in writing; in each and all of which said notices, they, the said inspectors, judges, and clerks of said election, and the said sheriff of said county, were severally notified and advised of such your memorialist's said contest as aforesaid.

And your memorialist would further represent, that within twenty days from and after said election, the board doing county business within and for the said county of Switzerland, met at the time and place within said county appointed by said sheriff for that purpose, and that said board, then and there, on the motion and at the request of the said David Henry, refused to hear or to permit your memorialist to give any testimony, and refused to receive, hear, or certify any

testimony whatever of illegal votes cast and given for said Henry for Senator as aforesaid, at said election, or otherwise howsoever.

And your memorialist further shows, that he afterwards caused to be served on the said David Henry notices, in writing, duly and legally notifying him, said Henry, that your memorialist would, on certain days and at particular places within said county, as in said notices specified, proceed to take the depositions of witnesses, before certain officers, to prove that illegal votes were given and cast for him, said Henry, at said election; in said county, for the office of Senator as aforesaid. And that your memorialist did, at the times and places, and before the officers specified in said last-mentioned notices, so served on said David Henry as aforesaid, proceed to, and take the depositions of witnesses, proving that not less than six illegal votes were given and cast at said election, at the polls in the aforesaid townships, or some of them, in said county of Switzerland, in favor of said David Henry for the office of Senator as aforesaid; which said testimony is duly and legally certified, and directed and forwarded to the President of your honorable body, at its present session; and to which, together with a certified copy of the proceedings of the said board doing county business, in this behalf, and a copy of the returns of said election in said county, duly certified, your memorialist would respectfully refer for fuller information in the premises, and in confirmation of this his memorial.

Wherefore, and in view of all the foregoing premises, your memorialist prays that your honorable body will institute such proceedings and take such order in the premises as will secure to your memorialist his right to the seat in your honorable body now held and occupied by said David Henry.

DANIEL KELSO.

*December 4th, 1843.*

NO. 3.

*Record of County Commissioners.*

STATE OF INDIANA, }  
Switzerland county, } ss.

BOARD OF COUNTY COMMISSIONERS,  
Special Session, August 24, 1843. }

The board of county commissioners met pursuant to notice of the sheriff for the purpose of hearing testimony in the contested election between Daniel Kelso and David Henry.

Present: John James Philip Schenck, Andrew Stewart, and David Shull, commissioner elect for the third district, who produced a certificate of his election, endorsed as the law directs, and took an oath not

to violate the provisions of the 19th section of an act prescribing the mode of doing county business; and John M. King, auditor, and Henry McMakin, sheriff.

And the board adjourned to one o'clock, P. M.

THURSDAY, 1 o'clock, P. M.

Board met pursuant to adjournment.

Present, the same commissioners, sheriff, and auditor, as above.

Comes Daniel Kelso, in his own proper person, and David Henry, by himself and John Dumont and Robert Drummond, Esquires, his counsel.

David Henry, by his counsel, appears and makes the following motion:

"The said David Henry appears and protests against the receiving or hearing any evidence, inasmuch as he has had no notice of the name of any illegal voter, nor has he had notice of any point or specification to show in what the illegality of any vote or votes consists; nor has he had notice of the township or townships, or poll, at which any illegal vote may have been taken. In conformity with the 34th and 35th sections of an act to regulate general elections, and because no oath was taken by the contestor, Daniel Kelso, previously to his commencing the contest, in conformity with the 40th section of said act. Because no affidavit of service is made as to the service of the notice on David Henry. Because the notice is general as to illegal votes, and the officers of only four of the six townships of the county are returned as notified."

Which motion is, by the board now here, sustained.

On motion of John Dumont, Esq.,

The following notices are ordered of record:

"Messrs. Philip Bettens, jun., (inspector), James Brown, Samuel Butler, Constant Golay, (judges), John M. King and Hiram Froman, (clerks), of the election held at the court house in Vevay, Jefferson township, Switzerland county, Indiana, on the 7th day of August, 1843: You are hereby notified that I shall contest the right of David Henry to a seat in the Senate of Indiana, at the next session of the General Assembly of Indiana, on the ground of illegal votes given for said Henry for Senator. Please take notice and govern yourselves accordingly.

"Signed,

DANIEL KELSO.

"August 10th, 1843."

On the back of which notice is written the following endorsement:

"I, Charles Henderson, a constable of Jefferson township, Switzerland county, Indiana, do hereby certify that I gave to Philip Bettens, jun., James Brown, Samuel Butler, Constant Golay, John M. King, and Hiram Froman, each a copy of the within notice on the 15th day of August, 1843.

"Signed,

C. HENDERSON.

"Sworn to before me the 15th day of August, 1843. Given under my hand and seal.

"Signed,

GEORGE E. PLEASANTS, [L. s.]  
Justice of the Peace.

"Messrs. Benjamin L. Robinson, inspector; George Land, Arnold Hinman, William Moore, judges; Jesse Gard and Seth Burroughs, clerks, of the election held at New York, in York township, Switzerland county, Indiana, on the 7th day of August, 1843: You are hereby notified that I shall contest the right of David Henry to a seat in the Senate of Indiana, at the next session of the General Assembly of Indiana, on the ground of illegal votes given for said Henry for Senator. Please take notice and govern yourselves accordingly.

"Signed,

DANIEL KELSO.

"August 10th, 1843."

On the back of which notice is the following endorsement:

"I, Benjamin L. Robinson, a constable of York township, Switzerland county, Indiana, do hereby certify that I gave Arnold Hinman, George Land, William Moore, Jesse Gard, and Seth Burroughs, each a copy of the within notice.

"August 15th, 1843.

"Sworn to before me this 23d day of August, 1843. Given under my hand and seal.

"JAMES H. CAMPBELL, [L. s.]  
"Justice of the Peace."

"Messrs. A. D. Bennet, inspector; William Stewart, John Face-mire, judges; Samuel Bonnell and W. G. Gage, clerks, of the election held at the house of Daniel Gurley, in Posey township, Switzerland county, Indiana, on the 7th day of August, 1843: You are hereby notified that I shall contest the right of David Henry to a seat in the Senate of Indiana, at the next session of the General Assembly, on the ground of illegal votes given for said Henry for Senator. Please take notice and govern yourselves according.

"DANIEL KELSO.

"August 10th, 1843."

On the back of which notice is the following endorsement:

"I, Hiatt Cushman, a constable of Posey township, Switzerland county, Indiana, do hereby certify that I gave to A. D. Bennet, John Facemire, William Stewart, Samuel Bonnell, and W. G. Gage, each a copy of the within notice.

"H. CUSHMAN, Constable.

"August 16th, 1843.

"Sworn to before me this — day of August, 1843. Given under my hand and seal.

"ROBERT A. WAUGH, [L. s.]  
"Justice of the Peace."

" William Price, Esq., sheriff of the county of Switzerland, Indiana : You are hereby notified that I shall contest the right of David Henry to a seat in the Senate of Indiana, at the next session of the General Assembly of Indiana, on the ground of illegal votes given for said Henry for Senator, at the August election in said county of Switzerland, held on the 7th day of August, 1843. Please take notice and govern yourself accordingly.

" DANIEL KELSO.

" *August 10th, 1843.*"

On the back of which is the following endorsement :

" STATE OF INDIANA, *Switzerland County, ss :*

" Personally appeared before me, the undersigned, a justice of the peace in and for said county, Charles Henderson, who, being duly sworn, upon his oath says that he served a copy of the within notice on William Price, sheriff of Switzerland county, Indiana, on the 15th day of August, 1843.

" C. HENDERSON, Constable.

" Given under my hand and seal this 15th day of August, 1843.

" GEORGE E. PLEASANTS, [L. S.]  
" Justice of the Peace."

" Mr. David Henry, Esq. : Sir, you are hereby notified that I shall contest your right to a seat in the Senate of Indiana, at the next session of the General Assembly of Indiana, because of illegal votes given for you as Senator, at the August election, 1843, in the county of Switzerland, Indiana. You will therefore take notice and govern yourself accordingly.

" DANIEL KELSO.

" *August 9th, 1843.*"

On the back of which notice is the following endorsement :

" I acknowledge that I received a copy of the within notice, August 9th, 1843.

" DAVID HENRY."

" Messrs. P. S. Sage, inspector ; William Fisher, Daniel K. Harris, judges ; Peter L. Spencer and John K. Harris, clerks, of the election held at Allensville, in Cotton township, Switzerland county, Indiana, on the 7th day of August, 1843 : You are hereby notified that I shall contest the right of David Henry to a seat in the Senate of Indiana, at the next session of the General Assembly of the State of Indiana, on the ground of illegal votes given for said Henry for Senator. Please take notice and govern yourselves accordingly.

" DANIEL KELSO.

" *August 10th, 1843.*"

On the back of which notice is the following endorsement :

"I, George B. Garlinghouse, of Cotton township, Switzerland county, Indiana, do hereby certify that I gave P. S. Sage, William Fisher, Daniel K. Harris, Peter L. Spencer, and John K. Harris, each a copy of the within notice, on the 15th day of August, 1843.

"G. B. GARLINGHOUSE.

"Sworn to before me the 25th day of August, 1843. Given under my hand and seal.

"GEO. E. PLEASANTS, [L. s.]  
"Justice of the Peace."

All of the foregoing notices were presented to the board of commissioners by said Daniel Kelso, before the aforesaid motion, on the part of David Henry, was made ; and upon said notices said motion was predicated.

And the board adjourned to 9 o'clock, to-morrow morning.

JOHN JAMES PHILIP SCHENCK, }  
DAVID SHULL, } *Comm'ers.*  
ANDREW STEWART,

Attest : JOHN M. KING, *County Auditor.*

FRIDAY MORNING, 9 o'clock.

The Board met pursuant to adjournment.

Present, the same as yesterday.

By consent of parties, it is agreed that there were six civil townships in Switzerland county, and that on the 7th day of August, 1843, polls were opened and votes received at each of them for Senator ; the name of which townships are as follows, to-wit :

Jefferson, York, Posey, Cotton, Pleasant, and Craig.

And the board adjourned *sine die*.

JOHN JAMES PHILIP SCHENCK, }  
DAVID SHULL, } *Comm'ers.*  
ANDREW STEWART,

Attest : JOHN M. KING, *County Auditor.*

STATE OF INDIANA, *Switzerland county, ss :*

I, John M. King, auditor of the county of Switzerland, and state of Indiana, do hereby certify that the foregoing is a correct and true copy or transcript of the proceedings had by the board of county commissioners of said county of Switzerland, on the 24th and 25th days of August, 1843, in relation to the contested election for a seat in the Senate of Indiana, between Daniel Kelso and David Henry.

In witness whereof, I have hereunto set my hand and affixed the seal of said board of county commissioners, at Vevay, 20th day of November, A. D. 1843.

JOHN M. KING, [L. s.]  
*Auditor of Switzerland co., Ind.*

(Copy.)

We, the undersigned, inspector and judges of a general election held at the court house in Vevay, in Jefferson township, Switzerland county, and state of Indiana, on the first Monday in August, 1843, do hereby certify that at said election, for Governor, James Whitcomb received three hundred and seventy-six votes, and Samuel Bigger received three hundred and fifty votes; that for Lieutenant Governor, Jesse D. Bright received three hundred and ninety-three votes, and John H. Bradley received three hundred and thirty votes; that for Congress, Thomas Smith received three hundred and eighty-eight votes, and John A. Matson received three hundred and thirty-four votes; that for Senator in the State Legislature, Daniel Kelso received three hundred and sixty-two votes, and David Henry received three hundred and forty-six votes; that for Representative in the State Legislature, Thomas T. Wright received three hundred and ninety-three votes, and Christopher F. Coffin received three hundred and ten votes; that for sheriff, Henry McMakin received three hundred and forty-four votes, Thomas Carter received fifty-three votes, Robert S. Cotton received three hundred votes, and Lemuel Wiley received fifteen votes; that for coroner, Henry Humbert received one hundred and forty-nine votes, George Fallis received fifty-nine votes, and G. R. W. Winterstein received one hundred and fifteen votes; that for commissioner of third district, William Flynn received two hundred and thirty-seven votes, and David Shull received four hundred and sixty-one votes; and that for assessor, Hugh L. Norris received seventy-nine votes, Thomas Cole received eighty-seven votes, John Weaver received one hundred and eighty-seven votes, James H. Brown received seventy-five votes, John J. Dumont received twenty-one votes, Simeon Barker received seven votes, John Facemire received twenty-one votes, Benjamin Picket received ninety votes, Joseph McHenry received one hundred and twenty-one votes, and William Lostutter received seventeen votes; and Samuel Gilleland, for coroner, received three hundred and thirty-five votes. Given under our hands and seals this 7th day of August, 1843.

PHILIP BETTENS, jr., [L. s.] *Inspector.*

JAMES BROWN, [L. s.]

SAMUEL BUTLER, [L. s.]

CONSTANT GOLAY, [L. s.]

} *Judges.*

Attest:

JOHN M. KING,

HIRAM FROMAN,

} *Clerks.*

(Copy.)

We, the undersigned, inspector and judges of a general election held at the school house in New York, in York township, Switzerland

county, Indiana, on the first Monday of August, 1843, do hereby certify that at said election, for Governor, James Whitcomb received one hundred and twenty-seven votes, Samuel Bigger received eighty-three votes; that for Lieutenant Governor, Jesse D. Bright received one hundred and thirty-five votes, and John H. Bradley received seventy-two votes; that for Congress, Thomas Smith received one hundred and thirty-two votes, and John A. Matson received seventy-seven votes; that for Senator in the State Legislature, Daniel Kelso received one hundred and twenty-two votes, and David Henry received seventy-nine votes; that for Representative in the State Legislature, Thomas T. Wright received one hundred and twenty-eight votes, and Christopher F. Coffin received sixty-seven votes; that for sheriff, Henry McMakin received one hundred and twenty-one votes; Thos. Carter received fourteen votes, Robert S. Cotton received sixty-three votes, and Lemuel Wiley received one vote; that for coroner, G. R. W. Winterstein received four votes, Henry Humbert received eight votes, George W. Fallis received eighty-five votes, and Samuel Gilliland received seventy-eight votes; that for commissioner of the third district, William Flynn received sixty-two votes, and David Shull received one hundred and thirty-nine votes; that for assessor, Hugh L. Norris received twenty-two votes, John J. Dumont received one vote, James H. Brown received three votes, John Weaver received three votes, Thomas Cole received forty-four votes, John Facemire received eighteen votes, William Lostutter received forty-nine votes, Benjamin Picket received — votes, Joseph McHenry received fifty-six votes, and Simeon S. Barker received two votes. Given under our hands and seals this 7th day of August, 1843.

BENJAMIN ROBINSON, [L. s.] *Inspector.*

A. HINMAN, [L. s.]

WILLIAM MOORE, [L. s.] } *Judges.*

GEORGE LAND, [L. s.] }

Attest :

SETH C. BURRIS, } *Clerks.*  
JESSE GARD, }

( COPY. )

We the undersigned, inspector and judges of a general election held at the house of Daniel B. Gurley, in Posey township, Switzerland county, Indiana, on the first Monday in August, 1843, do hereby certify, that at said election, for Governor, James Whitcomb received two hundred and twenty-three votes, and Samuel Bigger received one hundred and seventy-five votes; that for Lieutenant Governor, Jesse D. Bright received two hundred and twenty-seven votes, and John H. Bradley received one hundred and sixty-nine votes; that for Congress, Thomas Smith received two hundred and twenty-five votes, and John A. Matson received one hundred and seventy-one



votes; that for Senator in the State Legislature, Daniel Kelso received two hundred and six votes, and David Henry received one hundred and seventy-nine votes; that for Representative in the State Legislature, Thomas T. Wright received two hundred and twenty votes, and Christopher F. Coffin received one hundred and seventy-nine votes; that for sheriff, Henry McMakin received two hundred and twenty-one votes, Thomas Carter received seven votes; Robert S. Cotton received one hundred and forty-five votes, and Lemuel Wiley received twenty-two votes; that for coroner, Henry Humbert received thirty-one votes, George W. Fallis received one hundred and two votes, and G. R. W. Winterstein received eighteen votes, Samuel Gilleland received one hundred and forty-five votes; that for commissioner of the 3d district, William Flynn received one hundred and eighty-one votes, and David Shull received one hundred and ninety-eight votes; that for assessor, Hugh L. Norris received one hundred votes, John J. Dumont received sixty-seven votes, John Weaver received ——— votes, Simeon Barker received eighteen votes, James F. Brown received one vote, Thomas Cole received forty-four votes, Benjamin Picket received six votes, William Lostutter received eleven votes, John Facemire received sixty-seven votes, and Joseph McHenry received forty-four votes. Given under our hands and seals this 7th day of August, 1843.

A. D. BENNETT, *Inspector*, [L. s.]  
 WILLIAM STEWART, [L. s.]} *Judges.*  
 JOHN FACEMIRE, [L. s.] }

Attest:

SAMUEL BONNELL, }  
 W. G. GAGE, } *Clerks.*

( COPY. )

We the undersigned, inspector and judges of a general election held at the school house in Allensville, in Cotton township, Switzerland county, Indiana, on the first Monday in August, 1843, do hereby certify that at said election, for Governor, Dr. Deming received two votes, James Whitcomb received one hundred and thirty-six votes, and Samuel Bigger received ninety-eight votes; that for Lieutenant Governor, Jesse D. Bright received one hundred and thirty-nine votes, John H. Bradley received ninety-two votes, and Stephen Harding received two votes; that for Congress, Thomas Smith received one hundred and thirty-eight votes, and John A. Matson received ninety-eight votes; that for Senator in the State Legislature, Daniel Kelso received one hundred and thirty votes, and David Henry received one hundred and two votes; that for Representative in the State Legislature, Thomas F. Wright received one hundred and fifty votes, and Christopher F. Coffin received eighty-five votes; that for sheriff, Henry McMakin received one hundred and forty-six votes, Thomas Carter received nine votes, Robert S. Cotton received

seventy-three votes, and Lemuel Wiley received seven votes; that for coroner, George W. Fallis received forty-five votes, Henry Humbert received twenty-one votes, G. R. W. Winterstein received twelve votes, and Samuel Gilleland received one hundred and seventeen votes; that for commissioner, William Flynn received seventy-nine votes, and David Shull received one hundred and forty-four votes; and that for assessor, John J. Dumont received three votes, Hugh L. Norris received fifty-eight votes, Thomas Cole received fifty-three votes, James H. Brown received — — votes, Simeon Barker received six votes, John Weaver received twenty-one votes, William Lostutter received seventeen votes, Joseph McHenry received fifty-four votes, Benjamin Pickett received seventeen votes, John Facemire received two votes. Given under our hands and seals this seventh day of August, 1843.

P. S. SAGE, *Inspector*, [L. s.]  
 WILLIAM FISHER, [L. s.] } *Judges.*  
 D. K. HARRIS, [L. s.] }

Attest:

P. L. SPENCER, }  
 JOHN K. HARRIS, } *Clerks.*

( COPY. )

We the undersigned, inspector and judges of a general election held at the house of Simeon Slawson, in Pleasant township, Switzerland county, and State of Indiana, on the first Monday in August, 1843, do hereby certify that at said election, for Governor, James Whitcomb received fifty-nine votes, and Samuel Bigger received one hundred and fifty-eight votes; that for Lieutenant Governor, Jesse D. Bright received sixty-six votes, and John H. Bradley received one hundred and fifty votes; that for Congress, Thomas Smith received sixty-two votes, and John A. Matson received one hundred and fifty-six votes; that for Senator in the State Legislature, Daniel Kelso received forty-four votes, and David Henry received one hundred and seventy votes; that for Representative in the State Legislature, Christopher F. Coffin received one hundred and thirty-nine votes, and Thomas T. Wright received seventy-three votes; that for sheriff, Henry McMakin received seventy votes, Robert S. Cotton received one hundred and thirty-three votes, Thomas Carter received one vote, and Lemuel Wiley received eleven votes; that for coroner Henry Humbert received fifteen votes, George Fallis received nineteen votes, and G. R. W. Winterstein received eight votes; that for commissioner of the 3d district, William Flynn received one hundred and thirty-four votes, and David Shull received seventy-six votes; and that for assessor, Hugh L. Norris received thirteen votes, John J. Dumont received — — votes, Thomas Cole received twenty-two votes, John Weaver received two votes, James H. Brown received forty-four votes, Simeon Barker received fifteen votes, Joseph

McHenry received seventy-eight votes, John Facemire received one vote, Benjamin Picket received thirty votes, and William Lostutter received seven votes, and Samuel Gilleland received for coroner one hundred and fifty-seven votes. Given under our hands and seals this 7th day of August, 1843.

THOMAS POSTON, *Inspector*, [L. s.]  
 DANIEL VORHIS, [L. s.]} *Judges.*  
 LEWIS A. CLARK, [L. s.]}

Attest:

JOHN STEWART, }  
 WILLIAM H. VANDEVER, } *Clerks.*

( COPY. )

We the undersigned, inspector and judges of a general election held at the house of Henry C. Banta, in Craig township, Switzerland county, Indiana, on the 1st Monday in August, 1843, do hereby certify that at said election, for Governor, James Whitcomb received fifty-three votes, and Samuel Bigger received forty-two votes; for Lieutenant Governor, Jesse D. Bright received fifty-five votes, and John H. Bradley received forty votes; that for Congress, Thomas Smith received fifty-seven votes, and John A. Matson received thirty-eight votes; that for Senator in the State Legislature, Daniel Kelso received fifty-three votes, and David Henry received forty votes; that for Representative in the State Legislature, Thomas T. Wright received sixty-two votes, and C. F. Coffin twenty-nine votes; that for sheriff, Henry McMakin received fifty-nine votes, Thomas Carter received seven votes, Robert S. Cotton received twenty-five votes, and Lemuel Wiley received ——— votes; that for coroner, Henry Humbert received twenty-seven votes, George Fallis received three votes, G. R. W. Winterstein received thirty-one votes, Samuel Gilleland received twenty-six votes; that for commissioner, William Flynn received thirty-nine votes, and David Shull received fifty-one votes; that for assessor, Hugh L. Norris received one vote, Thomas Cole received thirteen votes, John J. Dumont received ——— votes, James H. Brown received three votes, Simeon Barker received ——— votes, John Weaver received fifty-three votes, Joseph McHenry received seventeen votes, John Facemire received two votes, William Lostutter received four votes. Given under our hands and seals this 7th day of August 1843.,

JOHN B. BUCHANAN, *Inspector*, [L. s.]  
 DAVID TROWBRIDGE, }  
 WM. MORGAN, } *Judges.*  
 SAMUEL BRACY, }

Attest:

DAVID CAIN, }  
 WILLIAM LANCASTER, } *Clerks.*

Recapitulation of the vote for Senator, as it appears from the foregoing returns:

	<i>Townships:</i>		<i>Kelso.</i>		<i>Henry.</i>
No. 1.	Jefferson,	- -	362	- -	346
No. 2.	York,	- -	122	- -	79
No. 3.	Posey,	- -	206	- -	179
No. 4.	Cotton,	- -	130	- -	102
No. 5.	Pleasant,	- -	44	- -	170
No. 6.	Craig,	- -	53	- -	40
			<hr/> 917		<hr/> 916

STATE OF INDIANA, }  
Switzerland County, } ss.

I, John M. King, county auditor within and for the county of Switzerland aforesaid, do hereby certify that the foregoing is a full and complete transcript and copy of the written returns of the general election held in said county of Switzerland, State of Indiana, on the 7th day of August, 1843, as delivered to me by the returning judges of said election. In witness whereof, I have hereunto set my hand and affixed the seal of the board of commissioners for the said county of Switzerland. Done at Vevay, in said county, this 29th day of November, 1843.

JOHN M. KING, [L. s.]  
County Auditor.

#### NO. 4.

*Depositions taken by Daniel Kelso.*

Mr. DAVID HENRY, Esq.,

SIR: Take notice I shall proceed to take depositions of witnesses on the 27th day of November, 1843, between the hours of 8 o'clock, A. M., and 5 o'clock, P. M., of said day, before James Downey, Esq., a justice of the peace, at his office in Cotton township, Switzerland county, Indiana, and to continue from day to day between said hours, until all are taken; said depositions are to be submitted to the Senate of Indiana at its next session, to prove that illegal votes were given for you for Senator, at the general election in Switzerland county, Indiana, in August, 1843, when and where you may attend if you please.

DAN'L KELSO.

STATE OF INDIANA, }  
*Switzerland county,* } ss.

Personally appeared before me the undersigned, a justice of the peace in and for said county, James W. Gibbens, who being duly sworn, upon his oath says, that he served a copy of the within notice on David Henry, Esq., at his residence, on the 24th day of November, 1843.

JAMES W. GIBBENS.

Subscribed and sworn to this 28th day of November, 1843, before me.

ROBERT WAUGH,  
 Justice of the peace.

The following are the depositions of witnesses, taken at the office of James Downey, Esq., on the 27th day of November, 1843, for the purpose of being submitted to the Senate of Indiana, at the next session thereof, to settle a contest as to which Daniel Kelso or David Henry is the legally elected Senator for Switzerland county, State of Indiana.

P. S. Sage, being duly sworn, says and makes the following answers:

*Question.*

What office or station did you hold or occupy at Cotton township, in Switzerland county, State of Indiana, on the 7th day of August, 1843, being the general election for 1843?

*Answer.*

I was inspector of the election of Cotton township polls.

*Question.*

Please refer to your poll book and state whether John Higham and Eli R. Pavy voted at the Cotton township polls in Switzerland county, Indiana, on the 7th day of August, 1843.

*Answer.*

They both voted at said poll.

*Question.*

What do you know about John Seward voting at the same time and place?

*Answer.*

I know he voted at the same time and place.

*Question.*

Please state what you know about John Seward being a legal voter of Switzerland county, Indiana, at the time.

*Answer.*

I know he had not resided in the State of Indiana for more than one year previous to said election.

*Question.*

What do you know as to who the said John Seward voted for, for State Senator for Switzerland county, at the August election, 1843?

*Answer.*

He told me he voted for David Henry for State Senator.

P. S. SAGE.

Also, the deposition of Samuel Pavy, taken at the same time and place, and for the purpose aforesaid. Said Pavy, being duly sworn, upon his oath says, and makes answers as follows:

*Question.*

What relation are you to Eli R. Pavy, how long have you known him, and what is his age at this time, as near as you can tell?

*Answer.*

I am his father, or I pass for it—I have known him all his lifetime, and he was born the 2d day of May, 1822.

SAMUEL PAVY.

Also, the deposition of Daniel L. Livings, taken, at the same time and place, and for the same purpose; the said Daniel L. Livings, being first duly sworn, upon his oath says and makes answers as follows:

*Question.*

Please state what you know about John Higham removing from Indiana, and when he did remove and where to, according to your knowledge and best information?

*Answer.*

He removed about the time that Hiram Tyler died—it was in the fall of 1842—he removed to Missouri or Illinois—but it might have been Missouri—at any rate he left the state of Indiana, and was never back at Switzerland county in Indiana, from that time until within a week or less before the last August election, and then, he said himself, he was on his way to Europe, and he left within two or three days after the election, and has not been here since, that I ever heard of.

D. L. LIVINGS.

Also, the deposition of Hugh B. Downey, taken at the same time and place, and for the same purpose; the said Downey being first duly sworn, upon his oath says and makes answers as follows:

*Question.*

Please state what is your knowledge as to when and where John Higham went when he removed from Indiana?

*Answer.*

I have heard the answer of Mr. Livings, and I am satisfied he has stated the matter as correctly as I could. I have no doubt but he was an illegal voter.

H. B. DOWNEY.

Also, the deposition of John Moore, taken at the same time and place, and for the same purpose; said Moore being first duly sworn, upon his oath says and makes answers as follows:

*Question.*

Did you see John Higham in Switzerland county, Indiana, at the time of the last August election? and did you hear him say who he voted for for State Senator, at the Cotton township polls in said county? if so, please state who he said he voted for for Senator.

*Answer.*

I saw John Higham on the day of the last August election in Switzerland county, it was in Cotton township, it was after he said he had voted at said election, and he told me he had voted for David Henry for Senator. During a short stay in Switzerland county, Higham told me he was on his way from Missouri, and was going to Europe; he left in a short time, and has not been back since, that I ever heard of.

JOHN MOORE.

STATE OF INDIANA, }  
*Switzerland County,* } *Sct.*

I, James Downey, a justice of the peace within and for the said county of Switzerland, do hereby certify that the foregoing depositions of P. S. Sage, Samuel Pavy, Daniel L. Livings, Hugh B. Downey, and John Moore, were severally taken, subscribed, and sworn to, before me, at my office in Cotton township, Switzerland county, state of Indiana, on the 27th day of November, 1843, between the hours of 8 o'clock, A. M., and 5 o'clock, P. M., on said day, pursuant to the notice hereto attached.

Given under my hand and seal this 27th day of November, 1843.

JAMES DOWNEY, [L. s.]  
 Justice of the peace.

STATE OF INDIANA, }  
*Switzerland county,* } *sct.*

I, John M. King, county auditor within and for the said county of Switzerland, do hereby certify that James Downey, before whom the within depositions purport to have been taken, is, and was at the time of taking the same, to-wit, on the 27th day of November, 1843, a regularly commissioned; qualified, and acting justice of the peace within and for said county of Switzerland; and that full faith and credit is due to all his official acts as such, as well in courts of justice as elsewhere.

In witness whereof, I have hereunto set my hand and affixed  
 [L. s.] the seal of the board of county commissioners; done at  
 Vevay, in said county, this 29th day of November, 1843.

JOHN M. KING,  
*Auditor of Switzerland Co., Ind.*

(COPY.)

Mr. DAVID HENRY, Esq.:

Sir: Take notice I shall proceed to take the depositions of witnesses on the 28th day of November, 1843, between the hours of 8 o'clock, A. M., and 5 o'clock, P. M., of said day, before Robert Waugh, Esq., a justice of the peace, at his office in Posey township, Switzerland county, Indiana, and to continue from day to day, between said hours, until all are taken. Said depositions are to be submitted to the Senate of Indiana, at its next session, to prove that illegal votes were given for you for Senator for said county of Switzerland, at the August election, 1843; when and where you may attend if you please.

DANIEL KELSO.



STATE OF INDIANA, }  
 Switzerland county, } *scd.*

Personally appeared before me the undersigned, a justice of the peace in and for said county, James W. Gibbens, who being duly sworn, upon his oath says that he served a copy of the within notice on David Henry, Esq., at his residence, on the 24th day of November, 1843.

JAMES W. GIBBENS.

Sworn to and subscribed on the 28th day of November, 1843, before me,  
 ROBERT WAUGH,  
 Justice of the peace.

The following are the depositions of witnesses taken before me, Robert Waugh, a justice of the peace, at my office in Posey township, Switzerland county, Indiana, on the 28th day of November, 1843, to be used in the Senate of Indiana, at its next session, for the purpose of deciding the matter of contest between Daniel Kelso and David Henry, as to which of them is the legally elected Senator from Switzerland county.

Benjamin L. Robinson, being duly sworn, upon his oath says and makes answers as follows :

*Question.*

Please state what office or station you held or occupied at the general election in August, 1843, at York township polls, in Switzerland county, state of Indiana.

*Answer.*

I was inspector of the election at that poll.

*Question.*

Please refer to your poll paper and state whether or not Nimrod Bannister and William Hall voted at that poll on the day of said election.

*Answer.*

Both their names appear upon the poll paper, and both the names appear to be in the hand-writing of Jesse Gard, Esq., one of the clerks of that election. I recollect of Mr. Bannister's voting, and I have no doubt that Mr. Hall voted also at that election.

*Question.*

What do you know of Daniel Kelso being a citizen of Switzerland county, Indiana ? and how long have you known him, and whether or not is he the said Kelso a legal voter of said county of Switzerland ?

*Answer.*

I know Daniel Kelso is a citizen of York township in Switzerland county, and have known him ten years, and he has been considered a legal voter of said county all that time.

*Question.*

Please state whether or not you, as inspector of the last August election for York township, in said county, received from said Daniel Kelso a notice of his intention to contest the election or seat of David Henry as Senator of said county, and whether you received said notice in due time?

*Answer.*

Yes, I received a notice of Daniel Kelso, within ten days after the election, and intended to have signed my name to an acknowledgment of the service, but forgot to do so.

BENJAMIN L. ROBINSON.

Also, the deposition of George P. Sweeny, taken at the same time and place, and for the same purpose. Said George P. Sweeny being first duly sworn, upon his oath says and makes answers as follows:

*Question.*

Please state if you know William Hall, and where he resides, and where he resided on the 7th of August, 1843, and how long he has resided at the same place?

*Answer.*

I know William Hall, he resides in Warsaw, state of Kentucky, and resided there at the 7th of August last, and had for some months previous to that time.

*Question.*

Please state whether you have had any conversation with William Hall on the subject of his voting in Indiana at the last August election, and please state what he told you about where he voted, and if in Switzerland county, for whom did he say he voted for Senator?

*Answer.*

I have had a conversation with William Hall on that subject; he told me that he went over to York in Switzerland county, Indiana, and voted at the last August election; he told me he voted for Henry for Senator, and against Daniel Kelso, and that he knew he was not

entitled to a vote for Senator in said county. Said Hall has a family, and they all live in Warsaw, Kentucky. Hall bragged to me that his vote either beat Kelso or elected Henry, I am not certain which.

GEO. P. SWEENEY.

Also, the deposition of Nimrod Bannister, taken at the same time and place, and for the same purpose. Said Bannister being duly sworn, upon his oath says and makes answers as follows :

*Question.*

For whom did you vote for Senator of Switzerland county, state of Indiana, at the August election, 1843 ?

*Answer.*

John W. Howard made out my ticket, and I directed him to leave on the name of David Henry for Senator ; I suppose he done so, and if he did, I voted for David Henry for Senator. I can neither read nor write.

his  
NIMROD ✕ BANNISTER.  
mark.

Also, the deposition of John W. Howard, taken at the same time and place, and for the same purpose. Said Howard being duly sworn, upon his oath says and makes answers as follows :

*Question.*

Did you make out a ticket for Nimrod Bannister, at the last August election, in the county of Switzerland, state of Indiana ? and if so, did you leave on said ticket the name of David Henry for Senator ?

*Answer.*

I made out his ticket at that election, and I left on it the name of David Henry for Senator.

JOHN W. HOWARD.

Also, the deposition of Joy Morris, taken at the same time and place, and for the same purpose. Said Morris being duly sworn, upon his oath says and makes answers as follows :

*Question.*

What relation are you to Nimrod Bannister, and how long have you known him ?

*Answer.*

I am not related to him, I have known him something more than a year.

*Question.*

When did Nimrod Bannister first remove to the state of Indiana, and where did he remove from?

*Answer.*

He removed from the state of Ohio to Indiana in September, 1842, and never lived in Indiana before, as I ever heard of; I am very certain he never lived in Indiana before.

his  
JOY ✕ MORRIS.  
mark.

STATE OF INDIANA, }  
Switzerland County, } *sct.*

I, Robert Waugh, a justice of the peace within and for the county of Switzerland aforesaid, do hereby certify that the foregoing depositions of Benjamin L. Robinton, George P. Sweeny, Nimrod Bannister, John W. Howard, and Joy Morris, were severally taken, subscribed, and sworn to before me, at my office in Posey township, Switzerland county, Indiana, on the 28th day of November, 1843, between the hours of 8 o'clock, A. M., and 5 o'clock, P. M., of said day, in pursuance of the notice hereto attached.

Given under my hand and seal this 28th day of November, 1843.

ROBERT WAUGH, [L. s.]  
Justice of the Peace.

STATE OF INDIANA, }  
Switzerland county, } *sct.*

I, John M. King, county auditor within and for the said county of Switzerland, do hereby certify that Robert Waugh, before whom the within depositions purport to have been taken, is, and was at the time of taking the same, to-wit, on the 28th day of November, 1843, a regularly commissioned, duly qualified, and acting justice of the peace within and for the said county of Switzerland, and that full faith and credit is due to all his official acts as such, as well in courts of justice as elsewhere.

[L. s.] In witness whereof, I have hereunto set my hand and affixed the seal of the board of county commissioners for the said county of Switzerland. Done at Vevay, in said county, this 29th day of November, 1843.

JOHN M. KING,  
County Auditor of Switzerland co.

( COPY. )

Mr. DAVID HENRY, Esq. :

Sir, take notice I shall proceed to take the depositions of witnesses on the 29th day of November, 1843, between the hours of 8 o'clock, A. M., and 5 o'clock, P. M., of said day, before John M. King, a notary public, at his office in Vevay, Jefferson township, Switzerland county, Indiana, and to continue from day to day until all are taken ; said depositions are to be submitted to the Senaté of Indiana, at its next session, as evidence to prove that illegal votes were given for you for Senator of Switzerland county, at the August election, 1843 ; at which time and place you may attend if you please.

DANIEL KELSO.

STATE OF INDIANA, }  
Switzerland county, } *sci.*

Personally appeared before me, the undersigned, a justice of the peace in and for said county, James W. Gibbens, who, being duly sworn, upon his oath says that he served a copy of the within notice on David Henry, Esq., at his residence, on the 24th day of November, 1843.

JAMES W. GIBBENS.

Sworn to and subscribed before me the 28th day of November, 1843.

ROBERT WAUGH,  
Justice of the Peace.

The following is the deposition of witnesses taken before me, John M. King, a notary public, at my office in Vevay, Jefferson township, Switzerland county, Indiana, on the 29th day of November, 1843, to be used as evidence before the Senate of Indiana, in the matter of the contested election between Daniel Kelso and David Henry, as to which of them is the legally elected Senator from Switzerland county.

William Hall, being duly sworn, upon his oath says and makes answers as follows :

*Question.*

Please state what you know about Elisha Roberts and John Graham having voted at the Jefferson township polls in Switzerland county, Indiana, at the general election held in said county on the 7th day of August, 1843 ?

*Answer.*

A few days after the last August election I met Roberts on the street, he then asked me what was going to be done with those fellows who voted illegally at the last election. I told him I did not know. I

then asked him who they were. He said that he was one of them. I inquired who he voted for. He said he had been advised not to tell. I then told him it would make no difference. Well then, says he, I voted the whig ticket. I asked him if he voted against Kelso. He said he did. As to Graham, I seen him a few days after said election; he also asked me what was going to be done with those illegal voters, or, rather, what was done with them. I told him that there was nothing done with them as yet, and that I did not know as any thing would be done. He then told me that he had voted the whig ticket throughout. He stated that since he had voted, some of the folks had scared him so bad that he was afraid to look out of the house. He further stated that he had been staying over the river, in Ghent, in Kentucky, for the last day or two—that John Malin and some others advised him to go there for a few days until they would see what would be done; and yesterday evening he said that Brooks and some one else was over in Ghent, and they told him to come over, that they could not do any thing with him, &c.; and I have also examined the poll books of Jefferson township for said election, and I find their names recorded in said book as voters at said election.

*Question.*

Please state your knowledge of when said Graham and Roberts \* came to the state of Indiana, and how long they remained in Indiana, and where they went to, as far as you are informed upon that subject.

*Answer.*

As far as I know any thing about it, I think Graham was here about two or three months previous to last election. I understood Graham came from about Cincinnati, and latterly from somewhere in Kentucky; and he left here a short time ago, and I think went to Madison, and the last account I heard of him, he was in the custody of the sheriff of Jefferson co., Ind., for stealing. As to Roberts, I understand he came from Kentucky, and I think, as far as my knowledge extends, he was here only about six or eight weeks previous to said election; he has since left here, and gone where I know not.

*Question.*

Please state who were the candidates for Senator at the August election, 1843, in Switzerland county; and who was the whig and who considered the democratic candidate? and if there was any nomination for Senator in said county, who was the nominee, and which party nominated?

*Answer.*

David Henry and Daniel Kelso were the candidates for Senator in said county at said election; and David Henry was the whig candi-

date for said office, nominated by a whig convention, and brought forth for that purpose, as I understand; and Daniel Kelso was not nominated by any party, but run on his own footing, and was, I think, considered, pretty generally, the democratic candidate, in opposition to said Henry for said office; the democratic party had no convention that I know of.

*Question.*

As your name is William Hall, please state where you voted at the last August election.

*Answer.*

I voted at the polls in Vevay, Jefferson township, in said county, and no where else.

WILLIAM HALL.

STATE OF INDIANA, }  
Switzerland county, } *scilicet.*

I, John M. King, a notary public within and for the county of Switzerland aforesaid, do hereby certify that the foregoing deposition of William Hall was taken before me, and then and there duly sworn to and subscribed by said Hall, at my office in Vevay, Jefferson township, Switzerland county, Indiana, on the 29th day of November, 1843, between the hours of 8 o'clock, A. M., and 5 o'clock, P. M., of said day, pursuant to the notice hereto attached.

[L. S.] Given under my hand and notarial seal this 29th day of November, 1843.

JOHN M. KING,  
*Notary Public.*

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NO. 5.

*Depositions taken by David Henry.*

NOVEMBER 24, 1843.

Mr. DANIEL KELSO:

Please to take notice that on Saturday, the twenty-fifth day of November, between the hours of nine o'clock, A. M., and six o'clock, P. M., I will proceed to take the depositions of witnesses, at the office of William Howe, Esq., in the town of Patriot, and county of Switzerland, to be read in evidence before the Senate of Indiana, in relation to the legality of my election as State Senator from the county of Switzerland, which I am informed you are about to contest.

DAVID HENRY.

Aurelius W. Dumont personally appeared before me, William Howe, a justice of the peace in and for the county of Switzerland, and State of Indiana, at my office in the town of Patriot, in the county of Switzerland aforesaid, and first being by me duly sworn, saith, that he served a copy of the within notice on Daniel Kelso on Friday, the 24th day of November, at his (Kelso's) own house in York, a distance of between six and seven miles from Patriot, between four and five o'clock, P. M., of said day.

AURELIUS W. DUMONT.

Sworn to and subscribed before me this 25th day of November, 1843. Witness my hand and seal.

WILLIAM HOWE, [L. s.]

Justice of the peace.

I hereby certify that the following depositions were taken, subscribed; and sworn to, before me, William Howe, a justice of the peace in and for the county of Switzerland, and State of Indiana, at my office in the town of Patriot, in said county, between the hours of 10 o'clock, A. M., and 6 o'clock, P. M., in pursuance of the notice hereunto attached, having waited one hour for the appearance of Daniel Kelso, David Henry being present by his attorney, A. W. Dumont.

In answer to the following questions, Samuel Bonnell deposeth and saith as follows:

*Question 1st.*

Were or were you not a clerk, at the election held in Posey township on the 1st Monday in August, in the year 1843? and if so, state who was the other clerk, and whether you compared your tally papers, and whether they agreed, and what was the number of votes received by Daniel Kelso, according to your tallies as then compared?

*Answer.*

I was one of the clerks at that election, and kept one of the tally papers thereof. W. G. Gage was the other clerk. We compared our tally papers, and they agreed exactly. By both of our tally papers it appeared that Daniel Kelso had received two hundred and four (204) votes, and no more, for State Senator in Indiana.

*Question 2d.*

By the certificate returned to the auditor, it appears that Daniel Kelso received two hundred and six votes, which certificate is upon the back of one of the tally papers, which tally paper states that Daniel Kelso received two hundred and four votes. State whether the certificate or tally paper was the correct number.



*Answer.*

I am certain that the tally paper was correct, and that two hundred and four (204) votes only was the number received by Daniel Kelso for State Senator.

SAM'L BONNELL.

Subscribed and sworn to before me this 25th day of November, A. D., 1843.

WILLIAM HOWE,  
Justice of the peace.

DEPOSITION OF WILLIAM STEWART.

*Question 1st.*

Were you one of the judges of the election in the township of Posey, county of Switzerland, at the August election, 1843? and if so, please state whether the tally papers of that election were compared in your presence, and whether they agreed.

*Answer.*

- I was one of the judges of said election. The tally papers were compared in my presence, and they agreed.

*Question 2d.*

State how many votes by the tally paper before you, which is the tally paper of one of the clerks of said election, are given to Daniel Kelso for State Senator.

*Answer.*

By said tally paper Daniel Kelso received at that election two hundred and four (204) votes, and no more, for State Senator.

WILLIAM STEWART.

Subscribed and sworn to before me this 25th day of November, A. D., 1843.

WILLIAM HOWE,  
Justice of the peace.

DEPOSITION OF WILLIAM G. GAGE.

*Question 1st.*

Were or were you not one of the clerks of the election held in the township of Posey, and county of Switzerland, at the August election in the year 1843? State who was the other clerk, whether you compared your tally papers immediately after said election, and

whether they agreed, and how many votes by said tally papers were given to Daniel Kelso for State Senator.

*Answer.*

I was one of the clerks of the election held in Posey township, Switzerland county, in August, 1843, and Samuel Bunnell was the other. We compared our tally papers immediately after the close of the election, and they did agree, and two hundred and four (204) votes were given to Daniel Kelso for State Senator, and no more.

*Question 2d.*

By the tally paper which was sent to the auditor, it appeared that Daniel Kelso had received two hundred and four (204) votes, but by the certificate which was appended to said tally paper, it appeared that said Kelso had received two hundred and six (206) votes. State whether the tally paper and the number of tallies thereon, or the certificate appended thereto, was the correct return, and the reason of the mistake in the certificate.

*Answer.*

The tally paper representing Daniel Kelso to have received two hundred and four (204) votes was the correct return, and the reason for the discrepancy I suppose was this. Mr. Bennett, the inspector, who is now down the river, wrote the certificate on the tally paper made out by Samuel Bunnell, with my tally paper before him, where the figures 204 made by myself bear some resemblance to the figures 206, and being in a hurry, we signed the certificate without examining particularly its import, and I am absolutely certain that Daniel Kelso received only two hundred and four (204) votes for State Senator, which should have been the certificate on the tally paper.

W. G. GAGE.

Subscribed and sworn to before me this 25th day of November, A. D., 1843.

WILLIAM HOWE,  
Justice of the peace.

DEPOSITION OF GEORGE PALMER.

*Question 1st.*

Were or were you not one of the judges of the election held in Posey township, Switzerland county, at the August election, 1843? State whether you heard the tally papers made out by Samuel Bunnell and Wm. G. Gage, the clerks of said election, compared, and whether they agreed; whether the paper before you is one of them, and how many votes were given by the tally paper before you for Daniel Kelso for State Senator.

*Answer.*

I was one of the judges of the election held in Posey township on the 1st Monday in August, 1843. I heard the said clerks compare their tally papers immediately after the election, and they agreed. By the tally paper before me, which is the one made out by Wm. G. Gage, one of the clerks of said election, Daniel Kelso received two hundred and four (204) votes only.

*Question 2d.*

By the certificate appended to one of the tally papers, it appears that Daniel Kelso received two hundred and six (206) votes. State whether the certificate or tally paper is correct.

*Answer.*

I am satisfied that the tally paper is correct, and not the certificate, and that Daniel Kelso got two hundred and four (204) votes only for State Senator.

GEORGE PALMER.

Subscribed and sworn to before me this 25th day of November, A. D., 1843.

WILLIAM HOWE,  
Justice of the peace.

## DEPOSITION OF JOHN FACEMIRE.

*Question 1st.*

Were or were you not one of the judges of election in the township of Posey, county of Switzerland, on the 1st Monday in August, 1843, and did you hear the tally papers of said election compared, and did the said tally papers agree or disagree? There is a difference between the certified returns and the tallies—which is correct? Look at the tally paper before you, and say how many votes Daniel Kelso received for State Senator by said tally.

*Answer.*

I was one of the judges of said township. I heard said tally papers compared, and they agreed. The tally papers are correct, and the certified returns are incorrect. The tally paper before me, made out by W. G. Gage, one of the clerks of said election, shows that Daniel Kelso received two hundred and four (204) votes only for State Senator, which should have been the certificate.

JOHN FACEMIRE.

Subscribed and sworn to before me this 25th day of November, A. D., 1843.

WILLIAM HOWE,  
Justice of the peace.

STATE OF INDIANA, }  
 Switzerland county, } *scilicet*.

I, Edward Patton, clerk of the circuit court of said county, hereby certify that William Howe, whose name is attached to the within depositions, is now, and was at the time of taking and subscribing the same, to-wit, on the 25th day of November, 1843, an acting justice of the peace within and for said county of Switzerland, duly commissioned and qualified, and to his official acts as such full faith and credit are due and of right ought to be given. His commission bears date the 21st day of January, 1837, and expires on the 21st day of January, 1844.

In testimony whereof, I have hereunto subscribed my name, and  
 [L. s.] affixed the seal of the Switzerland circuit court at Vevay,  
 this 27th day of November, 1843.

EDWARD PATTON, *Clerk*.

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NO. 6.

*Resolution of the Senate.*

*Resolved*, That the committee on elections be empowered to take evidence, by commission, if necessary in the county of Switzerland, in the case of the contested election from said county between Messrs. Henry and Kelso. That in that case, said commission shall consist of one person to be selected by Messrs. Henry and Kelso respectively, and of a third man to be chosen by the two, and the evidence thus taken shall be reported to the Senate.

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No. 7.

*Resolution of the Senate.*

*Resolved*, That the committee on elections shall keep a journal of their proceedings, which, together with the testimony taken, shall be submitted by said committee to the Senate with their report.

NO. 8.

*Affidavit of Daniel Kelso.*

STATE OF INDIANA, }  
 Marion county, } *scilicet.*

Personally appeared before me the undersigned, a justice of the peace within and for said county of Marion, Daniel Kelso, who being duly sworn by me, upon his oath saith, that for more than fifteen years last past he has been, and now is, a legal voter of the State of Indiana, and that the points, charges, and specifications, set forth in the notice delivered to David Henry, and upon which he said Kelso intends to rely in contesting the right of said David Henry to a seat in the Senate of the said State of Indiana, are true, as he said deponent, Kelso, verily believes.

DAN'L KELSO.

Sworn to and subscribed before me this 9th day of December, A. D., 1843.

JOSEPH A. LEVY, [L. s.]  
 Justice of the peace.

MONDAY EVENING, HALF PAST 6 O'CLOCK, }  
 December 11th, 1843. }

The committee met pursuant to adjournment.

Present—all the members.

The chairman informed the committee that he had asked and obtained leave of the Senate to employ a clerk. Whereupon, Thomas P. Baldwin was appointed clerk of said committee.

On motion of Mr. Berry,

The committee adjourned to meet again on Wednesday evening next, at half past six o'clock.

WEDNESDAY EVENING, HALF PAST 6 O'CLOCK, }  
 December 13th, 1843. }

The committee met pursuant to adjournment.

Present—all the members except Mr. Alexander.

Thomas P. Baldwin having been appointed clerk of the committee at its last meeting, appeared before the committee, and was duly sworn by the chairman.

The following resolution was offered by Mr. Berry :

*Resolved*, That David Henry and Daniel Kelso, both of whom claim to be entitled to a seat in the Senate from the county of Switzerland, be requested to lay before this committee in writing, at its next meeting, the grounds of their respective claims to said seat, together with any legal points they may choose to submit.

The question on which resolution having been put to the committee by the chairman, it was adopted.

Mr. Defrees made a motion to reconsider the vote of the committee adopting the above resolution.

Motion withdrawn.

On motion of Mr. Davis,

*Resolved*, That the clerk of this committee be authorized and required to furnish the parties or their counsel with copies of such papers and documents as have been or may be referred to the committee as they may desire.

On motion of Mr. Davis,

The committee adjourned to meet again to-morrow evening, at half past 6 o'clock.

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THURSDAY EVENING, HALF PAST 6 O'CLOCK, }  
December 14th, 1843. }

The committee met pursuant to adjournment.

Present, all the members.

Mr. Kelso, by Messrs. Morrison and Wick, his counsel, presented to the committee the following statement in accordance with the resolution of the committee, adopted at its last meeting.

In the matter of the contested election of David Henry, claiming to be a Senator, representing in the Senate of the state of Indiana, the Senatorial district composed of the county of Switzerland :

Daniel Kelso, the contestor, sheweth, that the said David Henry is not entitled to hold the place now occupied by him in the Senate aforesaid, nor is he, the said Henry, authorized to represent, in the said Senate, the district aforesaid, because,

1st. The certificate of election under which he, the said David Henry, claims to be a Senator as aforesaid, is not signed and authenticated by the proper officer—the clerk of the circuit court of said county of Switzerland—but by the auditor of said county, in contravention of the 17th section of the act of the General Assembly of said state, entitled, “An act to regulate general elections,” approved February 17th, 1838.

2d. Because, according to the returns made of said election, by the proper returning judges, it appears that the said Daniel Kelso was

elected Senator by a majority of one vote ; and it further appears by the depositions taken herein by said Kelso, that of the votes received by the said David Henry, at the said election, no less than six votes were cast by persons having no legal right to vote at the said election, to-wit : by John Graham, Elisha Roberts, John Higham, John Seward, William Hall, and Nimrod Bannister.

The said contestor, Daniel Kelso, also shows, that he was and is duly and legally elected and chosen Senator, to represent in the Senate of said State, now in session, the said district, and that he of right is entitled to occupy the place in the said Senate now wrongfully held by the said David Henry :

Because, according to the returns made of the said election, by the proper returning officers, it appears that the said Daniel Kelso received at said election a majority of one vote over the said Henry, and that of the votes at the said election cast in favor of the said David Henry, not less than six votes were cast by persons not entitled to vote at said election, according to the constitution and laws of this State, viz., John Graham, Elisha Roberts, John Higham, John Seward, William Hall, and Nimrod Bannister, above named, as fully appears by the depositions taken herein and the documents on file.

Respectfully submitted,

DANIEL KELSO.

Which statement was read to the committee by the clerk ; and thereupon,

J. H. Bradley and W. Quarles, Esquires, of counsel for Mr. Henry, presented and read to the committee the following statement on the part of Mr. Henry, and in support of his claim to his seat in the Senate :

( COPY. )

To JOSEPH W. CHAPMAN, Esq.,

*Chairman of the Committee on Elections :*

In compliance with the resolution of your committee, adopted December 13th, instant, we submit to you the grounds of the claim of David Henry to his seat in the Senate, as Senator from Switzerland county, together with the legal points, at present, arising in the proceeding by Daniel Kelso to contest the said election, which we request you to lay before the committee, in reply to said resolution upon the part of Mr. Henry.

David Henry claims his seat as such Senator,

1st. Because, by the return and report of the return judges of said election, it appears that he obtained the greatest number of votes for said office.

2d. Because, by the certificate of the auditor of Switzerland county, duly issued and held by him, to which auditor the full returns of said

election were made by the respective return judges thereof, he is the Senator elected at said election.

3d. Because, he obtained the greatest number of legal votes at said election for the said office.

4th. Because, having at the said election obtained the highest number of legal votes, and by the returning officers, after a canvass of the polls, having been duly returned as elected, and having received the certificate of election to said office, and appeared, been sworn, and taken his seat in the Senate at its organization, his right and claim to said seat has never been by any one legally contested.

To the proceeding of Daniel Kelso to contest the said election, so far as the same has proceeded, the said Senator presents the following legal points and objections :

1st. That at the time the said Daniel Kelso entered upon the said contest, and caused the said David Henry to be served with notice thereof, he, the said Kelso, had not complied, and did not comply, with the act of the General Assembly, entitled, "An act to regulate general elections," "by taking an oath before some person duly authorized to administer oaths, that he was a qualified voter of the State of Indiana, and that the charges and specifications, or points upon which he meant to rely, as set forth in his notice, were true, as he verily believed." See Revised Code, page 252; but on the contrary thereof, the said Daniel Kelso wholly neglected and omitted in any respect to comply with said acts.

2d. That the notice delivered to said Senator elect, by said Kelso, was wholly uncertain and insufficient, and not in accordance with said act.

3d. The board of commissioners of Switzerland county, whose duty it was by law to take down and certify any and all evidence of said contest, when met for that purpose, legally and properly refused and omitted to proceed therein, for the reasons contained in their record of proceedings, now before said committee.

4th. That by this omission and neglect of the said Kelso to comply with the requisitions of the law regulating the contesting of elections, he waived all right to contest the said election, or to be thereafter heard in objection thereto, and virtually acquiesced in the decision made thereof by the return judges and officers of said election.

5th. That the depositions of witnesses taken by said Kelso on the 27th, 28th, and 29th days of November, 1843, are but ex parte, are not authorized by law to be taken or read as evidence.

6th. That said depositions of said witnesses are further illegal in this, that the witnesses were not sworn to state the whole truth, that the matter deposed to is not matter and facts within the knowledge of the witness, but heresay testimony; that there is better evidence of the facts deposed to.

7th. That the statement made in said memorial of said Daniel Kelso, that said Kelso received at said election, for said office of Senator, nine hundred and seventeen votes, is not true, the said Kelso only having



received as the returns of said election show, nine hundred and fifteen votes.

8th. That the auditor of Switzerland county, in certifying to the fact that the *written certificates* show that the said Kelso received two hundred and six votes in Posey township, in effect falsifies the record of the returns of said election, by publishing under his official certificate, as true and authentic, a written return, made in mistake, and corrected by the returning judges in their canvassing the polls of said county, and which mistake then was and still is made evident by the tally and return papers of said election in said township, now on file in said auditor's office.

The said David Henry, in reply to the grounds of the claim of the said Kelso, says that said claim ought not to be allowed, for the first cause therein stated,

Because the return judges of the said election in the county of Switzerland, made their returns to the office of the county auditor, and not to that of the clerk of the circuit court, whereby the said clerk could not certify the same, no returns having ever been on file in his office, or made therein.

Nor for the second cause,

Because it does not appear that the said Daniel Kelso [was elected] by a majority of one vote.

Nor because of illegal votes cast for said David Henry.

Because the said Daniel Kelso, at said election, received more illegal votes than were cast for said David Henry, if any were so cast.

JOHN H. BRADLEY,

WM. QUARLES,

*Counsel for David Henry.*

On motion of Mr. Berry,

The committee adjourned till 6 o'clock to-morrow evening.

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FRIDAY EVENING, 6 O'CLOCK, }  
December 15th, 1843. }

The committee met pursuant to adjournment.

Messrs. Bradley and Quarles, of counsel for Mr. Henry, filed the following application for a commission to take testimony, to-wit :

David Henry, the Senator from Switzerland county, and whose right to a seat in the State Senate is contested by Daniel Kelso, asks of the committee on elections that they cause to be appointed a commissioner or commissioners to examine and take down in writing the evidence of witnesses in the county of Switzerland, who will be pro-

duced by him before the said commissioner or commissioners, to prove that a large number of illegal votes were given at said election for the said Daniel Kelso; that legal votes offered to be given for the said David Henry were improperly rejected; that certain votes cast for the said David Henry, and now alleged by the said Daniel Kelso to be illegal, were in fact legal votes; that said David Henry received at said election for said office the greatest number of legal votes; and to show and properly correct any mistake or error in the written returns of said election; and such other matters as shall or may be necessary for his full and proper defence against said contest. The said commissioner or commissioners so appointed to meet at such time and place as the committee may appoint, and thereafter to adjourn from time to time, and meet upon their own appointment; concluding the taking of said depositions as soon as possible, and within a period of time to be limited by the committee, and to have the power to issue subpoenas, and compel the attendance of witnesses before them.

Each of said parties to take notice of said meetings, and times of taking such depositions, without any notice thereof from his opponent.

And the said David Henry, in pursuance of the resolution of the Senate in this behalf, names and chooses Joseph Eggleston, Esq., of Switzerland county, to act as one of said commissioners.

DAVID HENRY.

Mr. Henry also, by his counsel, produces and files the following affidavits, to-wit:

(COPY.)

STATE OF INDIANA, } ss.  
Marion county, }

Personally appeared before me, one of the justices of the peace for Marion county, in the State of Indiana, David Henry, who being by me duly sworn, deposeth and saith, that he is the Senator returned as elected for the county of Switzerland; that on the 9th day of August, 1843, the returning officers for the several civil townships of said county, to-wit, Posey, York, Jefferson, Cotton, Pleasant, and Craig townships, met at the court house in Vevay, the county seat of said county, to compare the polls, and that this affiant was then and there declared by said returning officers duly elected Senator for said county; that immediately thereafter Daniel Kelso gave to this affiant the following notice:

"MR. DAVID HENRY, Esq.,

SIR: You are hereby notified that I shall contest your right to a seat in the Senate of Indiana, at the next session of the General As-

sembly of Indiana, because of illegal votes given for you as Senator at the August election, 1843, in the county of Switzerland, Indiana. You will, therefore, please take notice, and govern yourself accordingly.

DANIEL KELSO.

August 9th, 1843."

That said Daniel Kelso procured a copy of said notice to be served on the election officers of only four of the six civil townships of the county of Switzerland, to-wit, the officers of Posey, York, Cotton, and Jefferson townships, and he gave no notice whatever, as this affiant is well informed and believes, to the election officers of Craig and Pleasant townships, in said county of Switzerland. The sheriff of said county notified the county commissioners of said county, who, in pursuance of said notice, met at the court house in said county on the — day of August, 1843, for the purpose of doing what the law requires of them to do in the premises. By said notice said Kelso did not apprise this affiant of the name of any illegal voter, nor where any such illegal voter might have voted, nor in what the illegality consisted. Your affiant was not apprised until the day of the meeting of the board, whether said Kelso meant to notify the officers of part only or all of the townships in said county; yet he notified the officers of only a part of the county, and said he meant to confine the proof to that part only.

This affiant verily believes that illegal votes were given for Daniel Kelso at that election in the townships of Craig and Pleasant, and that therefore said Kelso omitted those townships. This affiant appeared before the said board of county commissioners and objected to the hearing of any evidence on such a notice, which being drawn up by a professed lawyer, appears to have been studiously and purposely made defective, so that the board of commissioners would be compelled, if they did their duty under the law, to reject any evidence on a notice that specified no point whatever, and Mr. Kelso appeared before said board, but did not ask to have any evidence taken whatever, but seemed to not only acquiesce in the decision, but also in this affiant's opinion, seemed pleased with it.

This affiant further states, that it was impossible for him under that notice to be prepared to repel any wrong evidence or misstatements that might have been made. This affiant is informed, and he verily believes the information to be true, that divers persons voted for Daniel Kelso at that election who had no right whatever to vote, and your affiant here states the names of some of them, to-wit: George Dibble, Solomon Tarbox, Mr. Sadler, Thomas Cox, Edward Gullion, Erastus Thomas, Thomas Hodge, Scisco, Benjamin L. Simmons, Isaac N. Higgins, and John Anderson, who, with divers others whose names this affiant does not now remember, voted for said Kelso in said county at said election for the office of Senator.

And this affiant believes that if it be necessary, it can be proven that such persons, together with divers others, did so vote, and that their said votes were illegal.

This affiant further states and believes that if a lawful and legal inquiry be made, and the matter fully investigated, it will be found that the said Kelso has received many more illegal votes than were cast (if any were so cast) for this affiant.

That at the poll for Pleasant township, one David Gardner, whom this affiant is informed by legal counsel is a lawful voter, offered his vote, containing the name of this affiant for the office of Senator, and would have voted and wished to vote for this affiant, but the same was improperly rejected by the officers of said election.

That from information in possession of this affiant, and upon which he relies as truth, he verily believes that if a commissioner be authorized to take testimony in Switzerland county, he can prove that the said Kelso received at said election, and which were counted for him, as votes for said office, between twelve and twenty votes which were illegal.

DAVID HENRY.

Subscribed and sworn to before me this 11th day of December, 1843.

JOSEPH A. LEVY, J. P. [L. s.]

(COPY.)

STATE OF INDIANA, ss.

David Henry, being sworn, says, that during the present day he has received information from the county of Switzerland, upon which he relies with full confidence, and from such information he verily believes, that if allowed the opportunity, by the appointment of commissioners to take the testimony of witnesses, he can prove that Joseph Warden, Stephen Ascoe, James Sampson, Daniel McCoy, Martin Higgins, William Miller, Benjamin L. Simmons, Erastus Thomas, Robert Sherdon, John Cox, Thomas Hodges, A. Kittle, S. D. Baldwin, V. Dunning, Samuel Coy, Valentine Austin, — Tarbox, John McDole, William Eddington, William Risley, Lewis Harker, Robert Strong, Elisha Becket, George Dibble, Benjamin Sadler, Thomas Eads, William McDole, John Anderson, jr., William Lancaster, and Edward Guillian, voted at the election for State Senator on the first Monday in August, 1843, in the county of Switzerland; that said persons, or nearly all of them, voted for Daniel Kelso for said office of State Senator at said election, and that they had not the legal qualifications for voters at said election, and their said votes were consequently illegal.

This affiant further states that he verily believes he can further prove that Larkin Roberts, William Ellis, Samuel Lyons, William Miller, Clayton Inman, Lorenzo Bright, and George Simpson, voted

at said election for said Kelso for said office, and that they, or some of them, had no right by law to give such votes; that since the said election, this affiant has caused the different poll books of said election in said county to be examined, and the qualifications of the voters to be inquired into, and that from such examination he makes the foregoing statement in this affidavit.

The said affiant further states that he has placed in the possession of the Senate, and which are now before the committee, the depositions of the officers of said election in Posey township, in said county of Switzerland, proving that said Kelso received only two hundred and four (204) votes at said poll, and that the certificate on the back of the said return papers stating the number of votes received by the said Kelso as two hundred and six is a mistake, and is erroneous; and that if said depositions be deemed informal, or in any respect improperly taken, he can prove the same by the oath of the auditor of said county, or by depositions to be taken under the direction of the Senate, or by the tally papers themselves, if the same be directed and compelled to be produced before this committee. And further, that if authority be given by this committee, or by the Senate, to take depositions of witnesses, he expects and verily believes to be able to prove every material ground and right upon which he claims and is entitled to hold his seat as Senator for said county, as filed before this committee.

This affiant further states that he had no notice whatever that it was the intention of the said Daniel Kelso to take the affidavits or depositions of witnesses, to be read as evidence in this contest, until the 24th day of November, 1843, only about ten days before the day fixed for the meeting of the State Senate, (subsequent to the action of the board of commissioners in said matter,) and that when said notice was served on him on that day, and at all times since, he has been unable, and has not had time to give his personal attention to said matter, or attend to the same as it would be necessary for him to do for his own defence; that justice cannot be done in this contest unless he be allowed time to obtain and produce his evidence, and that he asks no further delay, nor any other action of the committee or of the Senate, than will be reasonably sufficient for these purposes, and that this affidavit is not made for delay merely, but for the furtherance of justice.

DAVID HENRY.

Subscribed and sworn to before me this 15th day of December, 1843.

J. W. CHAPMAN,

Chairman committee on elections.

And then the committee adjourned to meet again next Monday evening at 6 o'clock.

MONDAY EVENING, 6 O'CLOCK, }  
 December 18, 1843. }

The committee met pursuant to adjournment.

Present—all the members except the chairman, who sent a note to the committee informing them that, on account of his indisposition, he is unable to attend the meeting of the committee this evening; Whereupon,

On motion of Mr. Davis,

The committee adjourned to meet to-morrow morning at half past 8 o'clock, in the Supreme Court room.

TUESDAY MORNING, HALF PAST 8 O'CLOCK, }  
 December 19, 1843. }

The committee met in the Supreme Court room.

Present—all the members except Mr. Defrees.

The committee was called to order by the chairman.

On motion of Mr. Berry,

The committee adjourned to meet in this room this evening at 6 o'clock.

TUESDAY EVENING, 6 O'CLOCK, }  
 December 19th, 1843. }

The committee met pursuant to adjournment.

Present, all the members.

The committee was called to order by the Chairman.

Mr. Morrison, of counsel for Mr. Kelso, presents the following replication to Mr. Henry's statement:

To JOSEPH W. CHAPMAN, Esq., Chairman, &c.:

The undersigned, who contests the right of David Henry to a seat in the Senate of Indiana, begs leave to present to the committee the following answer to the statements of said Henry, made at the last meeting of the committee, in support of his claim to a seat in said Senate.

In answer to said Henry's first statement, the undersigned says, it is not true that said Henry obtained the greatest number of votes for said office, "by the return of the judges of said election;" for that by the legal return made from Posey township in said county, it appears, "in words written at full length," that said Henry received 179 votes, and the undersigned received 206 votes; and it also appears that the county auditor, in counting up the votes that each received, only set down and counted 204 votes as having been cast for the undersigned and certified from said township. The undersigned would therefore most solemnly protest against any power that may have been exercised by any person or officer or officers, in changing said return, or assuming to correct what he or they may have considered an error in the return, or of certifying more or less than the return itself stated.

In answer to said Henry's second statement, the undersigned says, that the auditor of Switzerland county had no lawful authority to issue a certificate of election to any one, and in assuming to do so, he was guilty of an act of supererogation, if not of intrusion, and therefore his certificate is a nullity.

In answer to said Henry's third statement, the undersigned says, that the legal proof of the number of votes that said Henry received is the other way.

In answer to said Henry's fourth statement, the undersigned says, that his last preceding answer applies also in part to this, and that the reception by said Henry of a certificate that carries with it no verity, is, with due submission to the committee, as lame a support to said Henry's title to a seat in the Senate, as that other reason which he has assigned in said statement for retaining his seat, viz., "that he was sworn and took his seat in the Senate at its organization;" "that said Henry's seat has never been by any one legally contested," the undersigned considers as only saying, that no decision in the premises has yet been made.

To said Henry's protesting clauses, contained in his said statement, the undersigned says, to the first, that he has complied with the requisitions of the act regulating general elections, by taking an oath, before a justice of the peace of Marion county, that he was and is a legal voter of the State of Indiana, and that the points, charges, and specifications set forth in the notice upon which he intends to rely in contesting the seat of said Henry, &c., are true, as he verily believes; which affidavit was delivered to the President of the Senate, and referred by the Senate to the committee. (See the affidavit on file.) The undersigned insists that he was not required by law to make such affidavit previous to serving notice of the contest.

To the second protesting clause the undersigned says, that the notice of contest delivered to said Henry was and is certain and sufficient, and in accordance with the law requiring such notice, and that the county commissioners adjudicated the contrary without authority of law.

To the third protesting clause the undersigned says, that the county commissioners, whose duty it was by law to take down and certify the

testimony and all evidence of said contest, when met for that purpose, *illegally and improperly*, at the instance and upon the motion of said Henry, refused and omitted to proceed therein for no valid reason whatever; and, in so doing, assumed judicial powers and functions not conferred on them by law.

To the fourth protesting clause the undersigned says, that he has neither omitted or neglected to comply with the requisitions of the law regulating the contesting of elections, nor has he waived any right to contest the said election or to be heard in opposition thereto; nor has he either "*virtually*" or actually acquiesced in the decision made therein by the return judges and officers of said election; but, on the contrary thereof, he commenced and conducted the contest, or at all events, the necessary preliminary steps to a contest, with due diligence and becoming zeal until the omnipotency of the county commissioners was felt to be a present barrier to his then further progress; but which he has renewed in due time, as he trusts, to have his rights, and the rights of those for whom, more than for himself, he is contending, fully and promptly vindicated.

To the fifth protesting clause the undersigned says, that the depositions by him taken on the 27th, 28th, and 29th days of November, 1843, were taken in the only mode that he could take them. It is true, they are *ex parte*, and are necessarily so, for the reason that said Henry refused to *join* in their taking, although he was duly notified of the times and places of taking. Whether or not they shall be used as testimony in the case, is a question that the undersigned will cheerfully submit to the committee to determine. The undersigned would, however, remark, that although the depositions may be considered as *extra judicial*, yet, inasmuch as perjury can and may be predicated upon any false swearing therein, under our statute (see Revised Code, page 212), it is apprehended that there can be no substantial reason for excluding them. The undersigned insists, however, that the depositions cannot be treated as *extra judicial*, because, although the county commissioners had arbitrarily refused to hear and certify testimony, that refusal did not legally end the proceeding that had been instituted by the undersigned to contest Mr. Henry's right to a seat in the Senate. If, then, the proceeding is to be considered as having been pending at the time the depositions were taken, they are not liable to the objection of being considered *extra judicial*.

To the sixth protesting clause the undersigned says, he supposes it not necessary to have it appear, *in words*, that witnesses whose depositions have been taken, were sworn to state the "whole truth," particularly when it is certified that they were "*duly sworn*." And in regard to the *matter* of the depositions, the undersigned considers the matter of each to be of that character that could not, under the circumstances, be otherwise proved, and that some of them, even as to their matter, would be evidence as containing matters of fact stated from knowledge; and others as containing statements, not of *hearsay* merely, but which are properly part of the *res gesta*.



The seventh and eighth protesting clauses are considered, to some extent, as repetitions, in substance, of some of the others, and do not seem to require any further particular answer. The circumstance that the returns were made to the *wrong officer* could not confer upon such officer the power to discharge the official duties of the one to whom they ought to have been made; and saying that the clerk of the circuit court could not certify, because the returns were not made to him, is no argument to prove that *any officer* to whom they happened to be sent could properly discharge the duties that in the case were expressly and solely confided to the *clerk of the circuit court*.

The undersigned, in conclusion, contends, that David Henry, *by his own showing*, is not even *prima facie* entitled to his seat in the Senate for one moment, let the result to the undersigned be what it may.— And as no testimony has been taken by said Henry, or been attempted to be taken by him, to prove that any illegal votes were cast for the undersigned at said election, and has, *by his own wrong*, prevented the taking of the proper testimony at the proper time and place, the undersigned feels bound to protest against granting to said Henry the privilege by him asked for, of now taking such testimony under a commission, as the delay consequent upon such a step would be equivalent to allowing said Henry to retain a seat in the Senate for the remainder of the session of the General Assembly.

Respectfully submitted,

DANIEL KELSO.

After the reading of which replication by Mr. Morrison,

Mr. Quarles, of counsel for Mr. Henry, addressed the committee in favor of the application of Mr. Henry for a commission to take and examine evidence of witnesses in Switzerland county;

To whom Mr. Morrison replied, in behalf of Mr. Kelso, and against the application.

When Mr. Morrison had concluded his argument,

On motion of Mr. Defrees,

The committee adjourned to meet to-morrow evening at 6 o'clock in the Supreme Court room.

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WEDNESDAY EVENING, 6 O'CLOCK, }  
December 20th, 1843. }

The committee met pursuant to adjournment.

Present, all the members.

Whereupon, W. W. Wick, Esquire, in behalf of Mr. Kelso, proceeded to address the committee against the pending application for

the appointment of commissioners to examine and take testimony of witnesses in Switzerland county ;

To which Mr. J. H. Bradley, of counsel for Mr. Henry, replied at length.

And the argument being closed,

On motion of Mr. Defrees,

The committee adjourned until Friday evening next at 6 o'clock.

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FRIDAY EVENING, 6 O'CLOCK, }  
December 22d, 1843. }

Present, all the members, except Mr. Farmer.

The consideration of the application made by Mr. Henry for a commission to examine and take the depositions of witnesses in Switzerland county, being resumed,

It was decided to refuse the application by the following vote :

*Those who voted in the affirmative are,*

Messrs. Alexander, Cotton, and Defrees—3.

*Those who voted in the negative are,*

Messrs. Berry, Davis, Kennedy, Shanks, and Chapman—5.

On motion of Mr. Defrees,

The committee adjourned to meet again on Tuesday evening next at 6 o'clock.

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TUESDAY EVENING, 6 O'CLOCK, }  
December 26th, 1843. }

The committee met pursuant to adjournment.

The committee met pursuant to adjournment.

Present, all the members, except Messrs. Alexander and Farmer ;

And in consequence of their absence, the committee adjourned until to-morrow evening at half past 6 o'clock.

WEDNESDAY EVENING, HALF PAST 6 O'CLOCK, {  
*December 27th, 1843.* }

The committee met pursuant to adjournment.

Present, all the members.

Messrs. Quarles and Bradley, of counsel for Mr. Henry, filed the following written application :

David Henry asks of the committee on elections to cause process to be issued for the purpose, or to take such other steps as may be necessary, to bring before them the ballots cast by the voters at the poll in Posey township in Switzerland county, for Senator, at the August election, 1843 ; and also the tally papers and list of voters filed by the judges and officers of said poll in the office of the auditor of Switzerland county, of said August election, 1843 ; to inform the said committee and the Senate of the precise number of votes cast for David Henry, and also the number cast for Daniel Kelso, and to prove that the said Kelso received only 204 votes at said poll, and not 206 votes.

QUARLES & BRADLEY,

*For David Henry.*

Which application was refused by the committee by the following vote :

*Those who voted in the affirmative are,*

Messrs. Alexander, Cotton, Defrees, and Farmer—4.

*Those who voted in the negative are,*

Messrs. Berry, Davis, Kennedy, Shanks, and Chapman—5.

Mr. Henry, by his counsel aforesaid, then filed the following written motion :

David Henry, by his counsel, moves the committee to suppress all the depositions taken by said Kelso on the 27th, 28th, and 29th days of November, 1843,

1st. Because they are taken without the authority of law, and are extra judicial and ex parte.

2d. Because they were taken at a time and in a manner which entirely precluded the possibility of Mr. Henry attending to their taking, or of obtaining evidence to contradict them or counteract their effect, from the fact that four days afterwards he was obliged to be present at the Senate Chamber to perform his official duties.

3d. That it does not appear that the witnesses, or any of them, were sworn as, by law, witnesses are obliged and required to be sworn, to testify to the whole truth.

4th. That the testimony of every witness, and as to every vote, except Nimrod Bannister's is of hearsay matter, and of facts not within the witnesses' knowledge, and is only secondary, and not the best evidence.

5th. That the testimony of the witnesses as to Nimrod Bannister's vote, and right to vote, is irrelevant.

6th. That said Kelso specified no points or grounds of contest in his notice to Mr. Henry.

After listening to a long discussion upon this application by the counsel of the parties,

The committee adjourned to meet again to-morrow evening at 6 o'clock.

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THURSDAY EVENING 6 O'CLOCK, }  
*December 28th, 1843.* }

The committee met pursuant to adjournment.

Present, all the members.

Mr. Davis offered the following resolution for the consideration of the committee:

*Resolved*, That that part of the deposition of William Hall which is in answer to the first interrogatory propounded to him; that part of the deposition of P. S. Sage which is in answer to the fifth interrogatory propounded to him; that part of the deposition of George P. Sweeny which details a conversation between him and William Hall; and those parts of the depositions of David L. Livings and of John Moore which relate to the statements made to them by John Higham; which said depositions were taken by Daniel Kelso and referred to this committee, be suppressed, on the ground that said testimony is secondary in its character, and therefore improper to be considered by this committee.

Mr. Defrees moved to amend the same by striking out from the resolving clause and inserting the following:

"That all the testimony contained in the depositions of Daniel Kelso, except that part which relates to the vote and right to vote of Nimrod Bannister, is hereby suppressed."

Which motion was denied by a vote of the committee as follows:

*Those who voted in the affirmative are,*

Messrs. Alexander, Cotton, Defrees, and Farmer—4.

*Those who voted in the negative are,*

Messrs. Berry, Davis, Kennedy, Shanks, and Chapman—5.

The question then recurring upon the passage of the resolution offered by Mr. Davis,

*Those who voted in the affirmative are,*

Messrs. Alexander, Berry, Cotton, Davis, Kennedy, Shanks, and Chapman—7.

*Those who voted in the negative are,*

Messrs. Defrees and Farmer—2.

So the resolution was adopted.

Mr. Defrees then offered the following resolution :

*Resolved*, That, inasmuch as the depositions taken by Daniel Kelso in this case, were taken before a justice of the peace, and not in accordance with the statute in such cases made and provided, and were not taken in pursuance of any authority derived from the Senate ; and inasmuch as said testimony is, in the main, hearsay, and otherwise informal, it is hereby suppressed, and cannot be read in evidence in the contest now pending.

And on the question being taken on said resolution,

*Those who voted in the affirmative are,*

Messrs. Alexander, Cotton, Defrees, and Farmer—4.

*Those who voted in the negativ aree,*

Messrs. Berry, Davis, Kennedy, Shanks, and Chapman—5.

So the resolution was not adopted.

Mr. Kelso then filed the following written application :

And now comes Daniel Kelso, and moves the committee to suppress the depositions submitted to said committee by David Henry for the following reasons :

1st. Because they all relate to written evidence, which said written evidence, or a sworn copy, is better evidence than the statements of witnesses made in regard to said written evidence, &c.

2d. Because there is no good and sufficient certificate of the justice of the peace appended to said depositions.

3d. Because the notice was insufficient for want of time.

DANIEL KELSO.

And thereupon the committee adjourned to meet again to-morrow evening at half past 6 o'clock.

FRIDAY EVENING, HALF PAST 6 O'CLOCK, }  
 December 29, 1843. }

The committee met pursuant to adjournment.

Present—all the members.

Mr. Berry offered the following resolution for the consideration of the committee:

*Resolved*, That the motion of Daniel Kelso to suppress the depositions of Samuel Bonnell, William Stewart, Wm. G. Gage, George Palmer, and John Facemire, be sustained, so far as said testimony relates to the tally papers, the certificates of the returning judges, or to the contents of any other written instrument whatever, and overruled as to the residue of said testimony.

Mr. Defrees offered an amendment, by inserting the words "the contents of," between the words "the" and "certificates ;"

Which amendment did not prevail ;

And the question on the adoption of the resolution was decided in the affirmative as follows :

*Those who voted in the affirmative are,*

Messrs. Berry, Davis, Kennedy, Shanks, and Chapman—5.

*Those who voted in the negative are,*

Messrs. Alexander, Defrees, Farmer, and Cotton—4.

So the resolution was adopted.

Mr. Berry then offered the following resolution for the consideration of the committee :

*Resolved*, That this committee will proceed to settle the claim to the seat of Senator from the county of Switzerland upon the testimony now before the committee, and the points now made.

Which resolution was adopted by the committee as follows :

*Those who voted in the affirmative are,*

Messrs. Berry, Davis, Kennedy, Shanks, and Chapman—5.

*Those who voted in the negative are,*

Messrs. Alexander, Cotton, Defrees, and Farmer—4.

Mr. Berry offered the following resolution for the consideration of the committee :

*Resolved*, That the chairman of this committee be requested to prepare and present to this committee a report, in accordance with the decisions of this committee, now and heretofore made, and with the testimony before it.

And the question having been taken on said resolution, it passed in the affirmative as follows :

*Those who voted in the affirmative are,*  
Messrs. Berry, Davis, Kennedy, Shanks, and Chapman—5.

*Those who voted in the negative are,*  
Messrs. Cotton, Farmer, Defrees, and Alexander—4.  
So the resolution was adopted.

And then the committee adjourned, to meet again when notified by the chairman.

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WEDNESDAY EVENING, HALF PAST 6 O'CLOCK, }  
January 3, 1844. }

The committee met, pursuant to notice from the chairman.

Present—all the members.

The chairman read to the committee a report, drawn up and prepared by him in compliance with a resolution adopted at the last meeting of the committee, to be submitted in behalf of the committee to the Senate; whereupon,

Mr. Davis offered the following resolution for the consideration of the committee:

*Resolved* That the report prepared by the chairman of this committee and just read, be adopted by this committee.

And the question being put on the adoption of said resolution, it was decided in the affirmative by the following vote:

*Ayes*—Messrs. Berry, Davis, Kennedy, Shanks, and Chapman—5.

*Noes*—Messrs. Alexander, Cotton, Defrees, and Farmer—4.

And then,

On motion of Mr. Shanks,  
The committee adjourned.

END OF THE COMMITTEE'S JOURNAL.

Mr. Henry offered his memorial, and a resolution relative to his right to a seat in the Senate :

The undersigned, the Senator from the county of Switzerland, states and represents to the Senate, that at the August election, 1843, he received for the said office of Senator in said county, nine hundred and sixteen votes ; that Daniel Kelso, his competitor, and who now contests his election, received for said office nine hundred and fifteen votes ; that at the poll held in Posey township in said county, the said Daniel Kelso received two hundred and four votes, but the officers of said poll, in making out the certificate, erroneously stated that said Kelso received at said poll two hundred and six votes ; that on the meeting of the return judges at the court house in said county to make the returns of the said election, the said judges, and auditor of the county, to whom the returns were made, corrected the said error, and declared the undersigned duly elected, and gave to him the certificate of election as such Senator.

That on the 9th day of August, 1843, the said Kelso notified the undersigned, and a *part* of the officers of said election, that he would contest the said election of Senator, on account of illegal votes given for the undersigned.

That on the 24th day of August, 1843, the board of commissioners assembled, as by law directed in such cases, to take down the evidence ; but on motion and consideration of the case, as presented by the said Kelso by his previous action therein, determined that they were not authorized by law to act in the matter ; and thereupon, without any opposition or objection from the said Kelso, adjourned without taking down any evidence, and without any being offered by said Kelso ; that afterwards no action was had in said matter, to the knowledge of the undersigned, by the said Kelso, until the 24th day of November, 1843 ; that on that day, the undersigned being made aware of the mistake above stated in the certificate of the returns of Posey township, gave to the said Kelso notice that he would proceed to take the depositions of certain persons, the officers of said election at said poll, to prove the said mistake, and that he, the said Kelso, actually received only two hundred and four votes at said election at said poll, which depositions the undersigned did take, in pursuance of said notice, and which depositions, proving said fact and error most clearly, are now on the files of the Senate ; that after the undersigned had so given the said Kelso such notice, he was served, at the instance of said Kelso, with notices signed by said Kelso, that he, Kelso, would proceed, on the 27th, 28th, and 29th days of November, 1843, on each day in a different township, and before a different officer, to take depositions to prove that illegal votes were cast for the undersigned for said office at said election ; that after the receipt of the said notice from said Kelso, the undersigned had not time and opportunity to prepare himself for leaving home to attend to his official duties, and also to attend at the times and places of taking said depositions, and also to obtain testimony essential to



him to sustain his said election; and which, were time and opportunity given him, he could certainly obtain and produce to the Senate; that immediately on the presentation of the memorial of the said Kelso to the Senate, contesting the said election, and the reference of the matter to the committee on elections, the undersigned presented to the said committee the grounds on which he claimed and held his seat as such Senator, and also the reasons why the said Daniel Kelso was not and could not be entitled to be the Senator for said county, amongst which was the fact that a much larger number of illegal votes were cast for said Kelso at said election for said office than were cast (if any such were so cast,) for the undersigned, and the undersigned then and there presented and laid before said committee the following affidavits, to-wit:

(COPY.)

STATE OF INDIANA, }  
Marion county, } ss.

Personally appeared before me, one of the justices of the peace for Marion county, in the State of Indiana, David Henry, who being by me duly sworn, deposeth and saith, that he is the Senator returned as elected for the county of Switzerland; that on the 9th day of August, 1843, the returning officers for the several civil townships of said county, to-wit, Posey, York, Jefferson, Cotton, Pleasant, and Craig townships, met at the court house in Vevay, the county seat of said county, to compare the polls, and that this affiant was then and there declared by said returning officers duly elected Senator for said county; that immediately thereafter Daniel Kelso gave to this affiant the following notice:

"Mr. DAVID HENRY, Esq.,

SIR: You are hereby notified that I shall contest your right to a seat in the Senate of Indiana, at the next session of the General Assembly of Indiana, because of illegal votes given for you as Senator at the August election, 1843, in the county of Switzerland, Indiana. You will, therefore, please take notice, and govern yourself accordingly.

DANIEL KELSO.

August 9th, 1843."

That said Daniel Kelso procured a copy of said notice to be served on the election officers of only four of the six civil townships of the county of Switzerland, to-wit, the officers of Posey, York, Cotton, and Jefferson townships, and he gave no notice whatever, as this affiant is well informed and believes, to the election officers of Craig and Pleasant townships, in said county of Switzerland. The sheriff of

said county notified the county commissioners of said county, who, in pursuance of said notice, met at the court house in said county on the — day of August, 1843, for the purpose of doing what the law requires of them to do in the premises. By said notice said Kelso did not apprise this affiant of the name of any illegal voter, nor where such illegal voter might have voted, nor in what the illegality consisted. Your affiant was not apprised until the day of the meeting of the board, whether said Kelso meant to notify the officers of part only or all of the townships in said county; the notice to your affiant embraced the whole county, yet he notified the officers of only a part of the county, and said he meant to confine the proof to that part only.

This affiant verily believes that illegal votes were given for Daniel Kelso at that election in the townships of Craig and Pleasant, and that therefore said Kelso omitted those townships. This affiant appeared before the said board of county commissioners and objected to the hearing of any evidence on such a notice, which being drawn up by a professed lawyer, appears to have been studiously and purposely made defective, so that the board of commissioners would be compelled, if they did their duty under the law, to reject any evidence on a notice that specified no point whatever, and Mr. Kelso appeared before said board, but did not ask to have any evidence taken, but seemed to not only acquiesce in the decision, but also in this affiant's opinion, seemed pleased with it.

This affiant further states, that it was impossible for him under that notice to be prepared to repel any wrong evidence or misstatements that might have been made. This affiant is informed, and he verily believes the information to be true, that divers persons voted for Daniel Kelso at that election who had no right whatever to vote, and your affiant here states the names of some of them, to-wit: George Dibble, Solomon Tarbox,\* Mr. Sadler, Thomas Cox, Edward Gullion, Erastus Thomas, Thomas Hodge, Stephen Scisco, Benjamin L. Simmons, Isaac N. Higgins, and John Anderson, who, with divers others whose names this affiant does not now remember, voted for said Kelso in said county at said election for the office of Senator.

And this affiant believes that if it be necessary, it can be proven that such persons, together with divers others, did so vote, and that their said votes were illegal.

This affiant further states and believes that if a careful and legal inquiry be made, and the matter fully investigated, it will be found that the said Kelso has received many more illegal votes than were cast (if any were so cast) for this affiant.

That at the poll for Pleasant township, one David Gardner, whom this affiant is informed by legal counsel is a lawful voter, offered his vote, containing the name of this affiant for the office of Senator, and would have voted and wished to vote for this affiant, but the same was improperly rejected by the officers of said election.

\*This should be Almon Tarbox.

That from information in possession of this affiant, and upon which he relies as truth, he verily believes that if a commissioner be authorized to take testimony in Switzerland county, he can prove that the said Kelso received at said election, and which were counted for him, as votes for said office, between twelve and twenty votes which were illegal.

DAVID HENRY.

Subscribed and sworn to before me this 11th day of December, 1843.

JOSEPH A. LEVY, J. P. [L. s.]

(COPY.)

STATE OF INDIANA, ss:

David Henry, being sworn, says, that during the present day he has received information from the county of Switzerland; upon which he relies with full confidence, and from such information he verily believes, that if allowed the opportunity, by the appointment of commissioners to take the testimony of witnesses, he can prove that Joseph Warden, Stephen Ascoe, James Sampson, Daniel McCoy, Martin Higgins, William Miller, Benjamin L. Simmons, Erastus Thomas, Robert Sherdon, John Cox, Thomas Hodges, A. Kittle, S. D. Baldwin, V. Dunning, Samuel Coy, Valentine Austin, — Tarbox, John McDole, William Eddington, William Risley, Lewis Harker, Robert Strong, Elisha Becket, George Dibble, Benjamin Sadler, Thomas Eads, William McDole, John Anderson, jr., William Lancaster, and Edward Guillian, voted at the election for State Senator on the first Monday in August, 1843, in the county of Switzerland; that said persons, or nearly all of them, voted for Daniel Kelso for said office of State Senator at said election, and that they had not the legal qualifications for voters at said election, and their said votes were consequently illegal.

This affiant further states that he verily believes he can further prove that Larkin Roberts, William Ellis, Samuel Lyons, William Miller, Clayton Inman, Lorenzo Bright, and George Simpson, voted at said election for said Kelso for said office, and that they, or some of them, had no right by law to give such votes; that since the said election, this affiant has caused the different poll books of said election in said county to be examined, and the qualifications of the voters to be inquired into, and that from such examination he makes the foregoing statements in this affidavit.

The said affiant further states that he has placed in the possession of the Senate, and which are now before the committee, the depositions of the officers of said election in Posey township, in said county of Switzerland, proving that said Kelso received only two hundred and four (204) votes at said poll, that the tally papers of said poll show said fact, and that the certificate on the back of the said return papers stating the number of votes received by

said Kelso as two hundred and six is a mistake, and is erroneous; and that if said depositions be deemed informal, or in any respect improperly taken, he can prove the same by the oath of the auditor of said county, or by depositions to be taken under the direction of the Senate, or by the tally papers themselves, if the same be directed and compelled to be produced before this committee. And further, that if authority be given by this committee, or by the Senate, to take depositions of witnesses, he expects and verily believes to be able to prove every material ground and right upon which he claims and is entitled to hold his seat as Senator for said county, as filed before this committee.

This affiant further states, that he had no notice whatever that it was the intention of the said Daniel Kelso to take the affidavits or depositions of witnesses, to be read as evidence in this contest, until the 24th day of November, 1843, only about ten days before the day fixed for the meeting of the State Senate, (subsequent to the action of the board of commissioners in said matter,) and that when said notice was served on him on that day, and at all times since, he has been unable, and has not had time to give his personal attention to said matter, or attend to the same as it would be necessary for him to do for his own defence; that justice cannot be done him in this contest unless he be allowed time to obtain and produce his evidence, and that he asks no further delay, nor any other action of the committee or of the Senate, than will be reasonably sufficient for these purposes, and that this affidavit is not made for delay merely, but for the furtherance of justice.

DAVID HENRY.

Subscribed and sworn to before me this 15th day of December, 1843.

J. W. CHAPMAN,

Chairman committee on elections.

And the undersigned then and there asked of said committee to constitute a commission to take testimony in Switzerland county, before whom the undersigned might make proof of such illegal votes given to said Kelso.

The undersigned has not any doubt, and verily believes, that if permitted, he can and will prove from fifteen to forty illegal votes to have been cast for said Kelso as above stated.

That said committee on elections refused to appoint or constitute, or permit to be constituted, such commission, or to permit the undersigned legally to take such testimony.

The undersigned then asked of said committee to cause the ballots and tally papers, and list of voters, at such election in Posey township, to be produced before the said committee, and before the Senate, if necessary, to prove said mistake in said certificate, and that said Kelso received only two hundred and four votes at said poll for said office, and no more.

That said committee also refused this legal, proper, and reasonable request.

The undersigned respectfully states and represents to the Senate, that both of the foregoing decisions of the committee are unjust, illegal, and greatly calculated to injure the undersigned in the support of his just rights.

That every citizen shall be allowed a fair trial, and a reasonable time and necessary process to procure the attendance of his witnesses, or produce his testimony when his rights are invaded, is one of the fundamental laws upon which our political institutions are based. Yet this law, so essential to the preservation of civil liberty, and to the happiness and protection of the people, has been, in this contest, by the committee, directly violated, in the foregoing decisions. The undersigned certainly could not have been required to produce evidence of illegal votes given to Daniel Kelso, previous to the 27th, 28th, and 29th days of November, 1843, for before that time, and up to then, Mr. Kelso had not proven, nor attempted to prove, that any such votes were given to the undersigned. Up to that date the election stood upon the ordinary and usual returns of the judges, and the undersigned lawfully the Senator, without any evidence, or shadow of evidence, against his right. After that time, and until the meeting of the Senate at the Capitol, was a period of only three days, nearly the whole of which were required and consumed for travelling from Switzerland county to the Seat of Government. The undersigned was, during nearly the whole of that period, in the service of the State, and in the performance of his official duty.

The undersigned asked of the committee, at the first possible moment, for their authority to take the necessary proof. This was denied him, and in its denial justice was refused. That the rights of the parties to this contest may be lawfully established, that each may have a full, fair trial, and that the decision may do justice to the constituency whose interests are at stake, the undersigned asks the adoption by the Senate of the following resolution:

*Resolved*, That the committee on elections be, and they are hereby instructed and required to permit and cause depositions to be taken in Switzerland county, before any officer or officers authorized to administer oaths, to prove that illegal votes were cast for either of the candidates for Senator in said county at the last election; the said depositions to be taken by either party on three days' notice to the other; and the whole thereof to be returned on or before the 12th day of January (inst.), and considered by the committee, and reported, with the other legal evidence now before them, to the Senate.

DAVID HENRY.

Mr. Ritchey moved to lay the above upon the table.

The ayes and noes being demanded by Messrs. Ritchey and Chapman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Pitcher, Read, Ritchey, Shanks, Sinclear, Stanford, Tannehill, and Wood—26.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Orth, Pennington, Reeve, Reyburn, Sands, Todd, Walpole, and Wilber—22.

So the memorial and resolution were laid upon the table.

Mr. Chapman moved a suspension of the rules to introduce a resolution.

Mr. Walpole moved to lay said motion upon the table.

The ayes and noes being demanded by Messrs. Chapman and Walpole,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, and Wilber—24.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—24.

The Senate being equally divided,

The President voted in the negative.

So the motion was not laid upon the table.

The question then recurring,

"Will the Senate grant the Senator from Laporte permission to introduce a resolution?"

The ayes and noes being demanded by Messrs. Chapman and Walpole,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, Walpole, and Wood—25.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Orth, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, and Wilber—23.

So leave was so granted.

Mr. Walpole moved a reconsideration of said vote.

The ayes and noes being demanded by Messrs. Walpole and Orth,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Parks, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, and Todd—21.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Orth, Read, Ritchey, Shanks, Sinclear, Tannehill, Walpole, Wilber, and Wood—26.

So said vote was not reconsidered.

Mr. Orth moved a reconsideration of said last vote.

Mr. Walpole moved to lay the motion to reconsider and the preamble and resolution upon the table.

The ayes and noes being demanded by Messrs. Walpole and Davis of Daviess,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, and Wilber—24.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—24.

The Senate being equally divided,

The President voted in the negative.

So the motion to lay the motion to reconsider said vote, together with the preamble and resolution, upon the table, was negatived; and thereupon,

Mr. Orth withdrew his motion to reconsider, and

Mr. Chapman offered the following preamble and resolution:

*Whereas*, this Senate have no evidence of the right of David Henry to a seat in this body;

*And whereas*, a contest is now pending before this Senate, between the said Henry and Daniel Kelso, as to the right to said seat;

*And whereas*, a committee of this Senate have reported that neither of said claimants has any right to a seat in this Senate;

*And whereas*, it would be highly improper for the said Henry to vote upon the questions relating to his own right to said seat;

*And whereas*, a sense of common decency and propriety is insufficient to restrain the said Henry from voting in the premises; therefore,

*Resolved*, That the said David Henry be excluded from a seat upon this floor until such contest is decided by this body.

Mr. Ewing moved an indefinite postponement of the preamble and resolution.

Mr. Walpole moved the Chair to suppress said preamble and resolution, upon the ground that it is unconstitutional and in violation of the 18th and 48th rules of the Senate, and therefore out of order.

The President decided the same to be in order;

From which decision Mr. Walpole appealed to the Senate.

Upon the question, Shall the decision of the Chair stand as the judgment of the Senate?

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—25.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Rayburn, Sands, Stanford, Todd, and Walpole—23.

So the decision of the Chair was affirmed.

Mr. Read moved to lay the preamble and resolution upon the table.

The yeas and noes being demanded by Messrs. Chapman and Walpole,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Henry, Hodge, Miller, Moore, Morgan, Orth, Parks, Pennington, Pitcher, Read, Reeve, Rayburn, Sands, Stanford, Todd, Walpole, and Wilber—29.



*Those who voted in the negative are,*

Messrs. Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Mitchell, Ritchey, Shanks, Sinclear, Tannehill, and Wood—19.

So said motion prevailed, and the preamble and resolution were laid upon the table.

Mr. Herriman moved a reconsideration of the vote upon laying the report of the committee on elections upon the table.

The ayes and noes being demanded by Messrs. Herriman and Chapman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Read, Ritchey, Sinclear, Tannehill, and Wood—21.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Orth, Parks, Pennington, Pitcher, Reeve, Reyburn, Sands, Shanks, Stanford, Todd, Walpole, and Wilber—27.

So the vote was not reconsidered.

On motion of Mr. Chapman,

The following communication of John H. Bradley, Esq., and the accompanying depositions, relative to the contested right to a seat in the Senate, between Messrs. Henry and Kelso, were taken from the table :

HON. JESSE D. BRIGHT,

*President of the Senate :*

Please publish the enclosed depositions and lay them before the Senate.

Very respectfully,

JOHN H. BRADLEY.

INDIANAPOLIS, *December 22d, 1843.*

TO DANIEL KELSO :

Sir : You will please take notice that I will proceed to take the depositions of witnesses on the 28th day of December, 1843, and between the hours of 8 o'clock, A. M., and 8 o'clock, P. M., of said day,

before William Howe, Esq., a justice of the peace of Posey township, in Switzerland county, Indiana, at the office of the said justice in said township, and to continue from day to day until all are taken. Said depositions are to be submitted to the Senate of Indiana, at its present session, as evidence to prove that illegal votes were given for you for Senator of Switzerland county, at the August election, 1843, to-wit : By Lewis Harker, Robert Strong, Elisha Beckett, George Dibble, Benjamin Saddler, Thomas Eads, William McDole, and others ; where you can attend if you see proper.

DAVID HENRY.

I served a copy of the above on Daniel Kelso, December 22d, 1843.

JOHN H. BRADLEY,  
*Attorney for D. Henry.*

Depositions taken at the office of William Howe, a justice of the peace for the county of Switzerland, and state of Indiana, in the town of Patriot, in the county of Switzerland, in said state, and before William Howe, a justice of the peace of said county, on the 28th day of December, 1843, between the hours of 8 o'clock, A. M., and 8 o'clock, P. M., of said day, in strict conformity with the within notice.

George Dibble, jun., being first duly sworn, deposeth and saith, in answer to questions :

*1st Question.*

What is your age ?

*Answer.*

Twenty-one years of age on the 21st day of September, 1843, according to the entry in the family Bible, and information of my parents.

*2d Question.*

Did you vote for Senator in Switzerland county at the last August election ? and if so, in which township did you vote, and who did you vote for as Senator ?

*Answer.*

I voted in Posey township in said county, and voted for Daniel Kelso for State Senator.

GEORGE DIBBLE.

Subscribed and sworn to before me this 28th day of December, 1843.

WILLIAM HOWE,  
Justice of the peace.

Also, the deposition of Henry Monroe; said Monroe being first duly sworn, deposeth and saith as follows:

*1st Question.*

State whether you know Valentine Austin, and if so, state whether you know how long he had lived in the State of Indiana before the last August election.

*Answer.*

I do know him, and he had not lived in the State one year until October after the August election of 1843; and I also told him that he was not a legal voter, and should not vote at the Pcsey polls.

HENRY MUNROE.

Subscribed and sworn to before me this 28th day of December, 1843.

WILLIAM HOWE,  
Justice of the peace.

Also, the deposition of Amasa H. White, taken at the same time and place; said Amasa H. White being first duly sworn.

*1st Question.*

State whether you know Lewis Harker of Posey township.

*Answer.*

Yes.

*2d Question.*

Do you know the mother of Lewis Harker?

*Answer.*

Yes.

*3d Question.*

State what you heard the mother of Lewis Harker say about his age in the presence of the said Lewis Harker.

*Answer.*

In the fall of 1840 I heard his mother say, in the presence of said Lewis Harker, that he was seventeen years old then, and Lewis Harker made no objections.

*4th Question.*

State what you know about said Lewis Harker voting for State Senator in the county of Switzerland at the last August election.

*Answer.*

I saw him at the Posey township polls in said county on the first Monday in August, 1843, and he told me that he had voted for Daniel Kelso for State Senator.

AMASA H. WHITE.

Subscribed and sworn to before me this 28th day of December, 1843.

WILLIAM HOWE,

Justice of the peace.

Continued over till to-morrow at 8 o'clock, A. M.

DECEMBER 29, 1843.

Met pursuant to adjournment.

Also, the deposition of William McDole; said William McDole being first duly sworn.

*1st Question.*

Do you know Valentine Austin? and if so, how long had he lived in the State of Indiana at the last August election, and where did he live before he came to the State?

*Answer.*

I do know him, and he had been living formerly in Boon county, Kentucky, before he came to Indiana, and he told me he had been living in Indiana nine months before the August election of 1843, and I also know it to be so by [my] own certain knowledge, and that he had not been in the State of Indiana longer than nine months at that time.

*2d Question.*

State if you know whether Valentine Austin voted for Senator in the county of Switzerland at the last August election, and who he voted for, and how you came by your information.

*Answer.*

He told me that he voted in York township in said county, and that he voted for Daniel Kelso for State Senator.

*3d Question.*

Do you know Almon Tarbox ?

*Answer.*

Yes, sir.

*4th Question.*

How long had Almon Tarbox been in the State of Indiana at the last August election, and where did he come from when he came to Switzerland county ?

*Answer.*

He told me on the first Monday in August, 1843, at the election in Posey township in said county, that he formerly had been living in the State of New York, and that he had not resided in the State of Indiana at that time but about three weeks.

*5th Question.*

State whether Almon Tarbox voted for State Senator in Switzerland county at that election, and who he voted for.

*Answer.*

He told me that he voted for Daniel Kelso for State Senator at the August election of 1843, in Posey township, Switzerland county.— Said Tarbox is not now in the State of Indiana.

*6th Question.*

Do you know Alfred Wilson ?

*Answer.*

Yes, sir.

*7th Question.*

State whether he voted for State Senator at the last August election in Switzerland county, who he voted for, how old he was at the time ; state all you know about it.

*Answer.*

He told me that he voted in Posey township in said county, at the August election of 1843, and that he voted for Daniel Kelso for State Senator at said election, and at that same election he told me that his

father said he was not old enough to vote, but he would vote at any rate ; and he told me not to tell his father-in-law, for fear he might be displeased. Alfred Wilson is not now in the State of Indiana.

WM. McDOWELL.

Also, the deposition of Samuel Bonnell, duly sworn.

*1st Question.*

State whether you was a clerk of the general election in Posey township, Switzerland county, Indiana, in August, 1843 ; if so, look at the poll book kept by you, and say whether Alfred Wilson, George Dibble, jun., Almon Tarbox, Lewis Harker, and John Green did or did not vote at that election.

*Answer.*

I did act or serve as a clerk at the time above stated, and can say that the above names were called by the inspector as voting, and I wrote them down on the poll book as such.

SAM'L BONNELL.

Also, the deposition of Solomon Tarbox, taken at the same time and place.

*1st Question.*

Do you know Almon Tarbox ? and if so, state what relation he is to you.

*Answer.*

I do know him, and he is my nephew ; and he came from the State of New York to my house in Switzerland county, Indiana, some time in July, 1843 ; and he is now gone down the river, and is not in the State of Indiana.

*2d Question.*

Had he resided in the State of Indiana one year previous to the first Monday in August, 1843 ?

*Answer.*

He had not.

*3d Question.*

Did Almon Tarbox vote at the August election, 1843 ? and if so, for whom did he vote for Senator of said county ?

*Answer.*

He told me that he did vote at Posey township in said county, and that he voted for Daniel Kelso for State Senator at said election.

SOLOMON TARBOX.

Also, the deposition of John Green, taken at the same time and place.

*1st Question.*

State whether you voted at the August election, 1843, in Switzerland county, for Senator of said county—for whom you voted—and how long you had lived in the State of Indiana before the first Monday in August, 1843.

*Answer.*

I came to Indiana, from Kentucky, the 22d day of November, 1842, and I voted at the Posey township polls in said county, and voted for Daniel Kelso for State Senator at the August election, 1843; and I moved to Kentucky, from Indiana, the 22d day of August, 1842, and rented a house to stay until I could get a situation to suit me in Indiana. I moved for the health of my family; I did not intend to lose my residence in Indiana, or to gain it in Kentucky.

JOHN GREEN.

STATE OF INDIANA, }  
Switzerland county, } *sc.*

I, William Howe, a justice of the peace in and for said county, do hereby certify that the foregoing depositions of George Dibble, jun., Henry Munroe, Amasa H. White, William McDowell, Samuel Bonnell, Solomon Tarbox, and John Green, were taken, subscribed, and sworn to, before me, at my office in Patriot, in Posey township, in said county, on the 28th and 29th of December, 1843, in strict conformity with the enclosed notice. Given under my hand and seal this 29th day of December, 1843.

WILLIAM HOWE, [SEAL]  
Justice of the peace.

The above communication and depositions having been read,

On motion of Mr. Chapman,  
Were again laid upon the table.

The President laid before the Senate the following communication from Messrs. Quarles & Bradley, and sundry depositions therewith, upon the same subject:

HON. JESSE D. BRIGHT,

*President of the Senate :*

SIR: Will you please publish the inclosed depositions, and lay them before the Senate this morning.

Very respectfully,

QUARLES & BRADLEY,

*Atty's for David Henry.*

Jan. 4, 1844.

INDIANAPOLIS, December 22, 1843.

DANIEL KELSO :

SIR: Take notice that I shall proceed to take the depositions of witnesses on the 27th day of December, 1843, between the hours of 8 o'clock, A. M., and 8 o'clock, P. M., of said day, before Esquire Campbell, a justice of the peace of York township, in the county of Switzerland, Indiana, at his office in said township, and to continue from day to day until all are taken; said depositions to be read in evidence and submitted to the Senate of Indiana at its present session, as evidence to prove that illegal votes were given for you for Senator for Switzerland county, at the August election, 1843, to-wit, by J. Kettle, S. D. Baldwin, V. Dunning, Samuel Coy, Valentine Austin, Almon Tarbox, John McDole, William Eddington, William Risby, and others, when and where you can attend if you see proper.

DAVID HENRY.

I, James H. Campbell, a justice of the peace of York township, Switzerland county, do hereby certify, that in accordance with the within notice, David Henry, by A. W. Dumont, his attorney, appeared before me at my office, on the 27th day of December, 1843, in the town of York aforesaid, between the hours of 8 o'clock, A. M., and 8 o'clock, P. M., as specified in said notice. Whereupon, the witnesses subpoenaed having failed to attend, on motion, the taking of the said depositions was adjourned till to-morrow morning 8 o'clock.

JAMES H. CAMPBELL,

Justice of the peace.

This day, December 28th, 1843, David Henry, by his attorney, A. W. Dumont, came pursuant to adjournment, and Daniel Kelso, though called, came not, and proceeded to take the following testimony :

William C. Keen, of lawful age, being duly sworn, deposed and said, that a certain Lewis A. Young worked for him the fore part of



August last, that said Young was almost daily and hourly at and about his mill, (where a well was about being dug,) some three or four days in the last part of July, and that said Young appeared to be eagerly engaged in electioneering, and uniformly professed a preference for Daniel Kelso for the office of State Senator for Switzerland county, Indiana; that on the first Monday in August last, said Young was busily engaged electioneering for said Kelso, and repeatedly declared that he had voted for said Daniel Kelso for State Senator as aforesaid, that said Young stated that he had been absent from Indiana for one or more years, and had returned to Indiana but some two or three months; said Young left this place within one month after the election, and I have not heard whither he went. I was acquainted with said Young some years ago, when he resided in Pleasant township, in the county aforesaid. Said Young returned to Indiana, Switzerland county, Indiana, in July last. The above statements were made in my presence and hearing, and I am informed and verily believe that said Lewis A. Young is not now in the county, as I have repeatedly inquired after him, (he being indebted to me.)

WILLIAM C. KEEN.

Sworn to and subscribed before me.

JAMES H. CAMPBELL,

Justice of the peace.

Stephen D. Baldwin, being of lawful age, and first being duly sworn, in answer to questions, says as follows: That on the first Monday of August, 1843, he voted in the town of York, in the county of Switzerland, for Daniel Kelso, for the office of State Senator, and that he has considered the State of Indiana as his residence for seven or eight years.

STEPHEN D. BALDWIN.

Sworn to and subscribed before me.

JAMES H. CAMPBELL,

Justice of the peace.

Benjamin L. Robinson, first being duly sworn, and being of lawful age, says, that he, together with Daniel Kelso, examined the votes polled in the town of York, in the township of York, and county of Switzerland, on the first Monday in August, 1843; that they examined the said votes twice carefully, the last time very carefully, and that upon the last examination they found that David Henry for the office of State Senator had, as appeared by said votes, received one more vote than was given to him by the judges; but the votes were very difficult, on account of the lightness of the erasures, to tell for whom the votes were really given: I was one of the inspectors of said election, and kept said votes carefully until we counted them.

B. L. ROBINSON.

Sworn to and subscribed before me.

JAMES H. CAMPBELL,

Justice of the peace.

The first examination made a different result in favor of Kelso one vote.

B. L. ROBINSON.

Sworn to and subscribed before me.

JAMES H. CAMPBELL,  
Justice of the peace.

William Myler, first being duly sworn, of lawful age, says, that Stephen D. Baldwin, who has above deposed, was and has been a resident of Cincinnati, Ohio, for some time, and had been, as he is informed and verily believes, having received the information from the family of Baldwin. Baldwin was a young man and acted as clerk in a store in Cincinnati, and whatever he may have considered himself in regard to citizenship, never lived in the State of Indiana till about three months before the August election, 1843, and that he did and has resided and lived in Cincinnati for two or more years preceding the August election, 1843, except about three months, during which time he lived in Warsaw, as he is informed by the brothers and family, and verily believes.

WILLIAM MYLER.

This matter he learned one year ago last March, that is, March, 1843, and he is sure that said S. D. Baldwin did not live in Aurora at any time between said first day of March, 1842, and the August election, 1843.

WILLIAM MYLER.

Sworn to and subscribed before me.

JAMES H. CAMPBELL,  
Justice of the peace.

Ordered, that the court adjourn for one hour.

James Calkin, being of lawful age, and being by me duly sworn first, says, that on this day he examined the family record of Thomas Scott, and that by said record the said Thomas Scott will be twenty-one years [old] and no more, on the 4th day of January, 1844, he having been born on the 4th day of January, 1823; that the said Thomas Scott is now down the river, that he voted for State Senator at the August election, 1843, in the county of Switzerland; that he has often heard said Scott say before he went down the river, that he voted at said election for Daniel Kelso for the office of State Senator; that at the time he made said assertions there was no influence used to induce him to say for whom he voted, and that he verily believes he voted for said Kelso; that at the time he examined said record the mother of said Scott was present, and said that the age above stated was his true age.

JAMES CALKIN.

Sworn to and subscribed before me.

JAMES H. CAMPBELL,  
Justice of the peace.

On motion, the taking of said depositions was adjourned till tomorrow morning 8 o'clock.

*Friday morning, December 27, 1843.*

In pursuance of said adjournment, comes David Henry, by A. W. Dumont, his attorney, and William Myler, who had before been sworn, after again being sworn, says, that since he gave his testimony, he has sought diligently for John Cox, in order to obtain his testimony, and that he cannot be found; and the said William Myler says that the said John Cox voted for Daniel Kelso at the August election, 1843, for the office of State Senator, and that he has inquired diligently of his neighbors, relations, and friends, and that it is the general report of the neighborhood in which he lives that he was not of lawful age when he voted at said August election, 1843. Some of his neighbors, one of whom was Daniel Kelso's own sister, said he was not much over eighteen years of age.

**WILLIAM MYLER.**

Sworn to and subscribed before me.

**JAMES H. CAMPBELL, [SEAL.]**

Justice of the peace.

Samuel Howard, being of lawful age, and first being duly sworn, says, that some little time after the August election, 1843, in the month of August, he was in Craig's store, in the town of York, in the county of Switzerland, and that Daniel Kelso was there conversing about the number of votes received illegally for David Henry, when David Kelso, his own brother and warm supporter, replied—"You need not make any fuss about it, for you know, Dan, you received as many or more illegal votes than Henry." He then proceeded to mention his step son, John Cox, who he said was not twenty-one years of age, and that he voted for Daniel Kelso. Dan'l Kelso did not deny in any way what his brother David said in relation to the vote of the said John Cox. David Kelso then went on and said that Robert Sherdon had also voted for Daniel Kelso at said election, and that he was not twenty-one years old when he voted; and Daniel Kelso replied that he knew he was not of age when he voted for him (Daniel Kelso) for State Senator at said election.

And the said Howard further says, that he was standing at the polls at the time the said John Cox, who afterwards voted at said election for Daniel Kelso, presented his vote in the town of York, and that his, the said Cox's, vote was challenged, and that he refused to swear to his age, and although there were many of said Cox's friends, who probably knew his age, standing by, no one would vouch for his age.

**SAM'L HOWARD.**

Sworn to and subscribed before me.

**JAMES H. CAMPBELL,**

Justice of the peace.

I, James H. Campbell, a justice of the peace in and for the county of Switzerland, and State of Indiana, do certify that the within depositions were taken, subscribed, and sworn to, in pursuance of the within notice, before me, on the 27th, 28th, and 29th days of December, between the hours mentioned in said notice. In witness whereof, I have hereunto set my hand and seal.

JAMES H. CAMPBELL, [SEAL.]  
Justice of the peace.

Which,

On motion of Mr. Walpole,

Were laid upon the table.

Mr. Orth, from the judiciary committee, made the following report:

Mr. PRESIDENT:

The committee on the judiciary, to whom was referred the memorial of Ann Frankbower, executrix of Robert McCormack, deceased, praying for relief, have instructed me to report the following bill and recommend its passage.

No. 123. A bill for the relief of Ann Frankbower, executrix of Robert McCormack, deceased;

Read a first time and passed to a second reading.

Mr. Cornett, from the same committee, made the following report:

Mr. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate No. 61, entitled, "A bill to amend an act entitled, 'an act subjecting real and personal property to execution,' approved January 8th, 1842," approved February 11th, 1843, have had the same under consideration, and directed me to report it back to the Senate, amended as follows, and recommend its passage, viz.: Strike out all of section first in said bill, and in lieu thereof insert the following:

*SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of each and every execution-defendant or defendants, who may hereafter, at any time, claim property as exempt from execution, under the laws of this State, before said property is set off to him, to make oath before the officer in whose hands said execution may be, that he has secreted no property or otherwise fraudulently disposed of any, to avoid the levying of said execution.*

Mr. Chapman moved to amend by adding at the end of said section, "Which oath the officer holding such execution is hereby authorized to administer."

Which amendment prevailed, and the bill was ordered to be engrossed for a third reading.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

**Mr. PRESIDENT :**

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolution of the Senate, to-wit :

No. 12. An act to correct the plat of the town of Enochsburgh, in Franklin county ;

No. 3. A joint resolution on the subject of improving the navigation of the Mississippi, Ohio, and Wabash rivers ;

No. 33. A bill for the relief of William P. Andrews, of the county of Rush.

Which bills and joint resolution I am directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed said bills and joint resolution.

Mr. Pitcher, from the judiciary committee, made the following report :

**Mr. PRESIDENT :**

The judiciary committee, to whom was referred the resolution of the Senate, instructing them to inquire into the expediency of so amending the law regulating the duties of justices of the peace as to place replevy bail in justices' courts on the same footing as replevy bail in the circuit courts, and to report by bill or otherwise, have, according to order, had the same under consideration, and have directed me to report the following bill and recommend its passage.

No. 124. A bill supplemental to the 12th article of the 40th chapter of the Revised Code of 1843 ;

Read a first time and passed to a second reading.

Mr. Walpole, from the judiciary committee, made the following report :

**Mr. PRESIDENT :**

The judiciary committee, to whom was referred the petition of Andrew J. Baldwin, William L. Hargrove, and John Vansant, have, according to order, had the same under consideration, and instructed me to report the following bill, to-wit :

No. 125. A bill to legalize the assignment of the certificate of the school commissioner of Marshall county to certain land by him sold to Matthew Hall ;

Read a first time and passed to a second reading.

Mr. Pitcher, from the judiciary committee, made the following report :

Mr. PRESIDENT :

The judiciary committee, to whom was referred the bill of the Senate No. 86, entitled, "A bill concerning the titles of the holders of land in the seminary township in Gibson county, by virtue of purchases under the State," have, according to order, had the same under consideration, and have directed me to report the bill back to the Senate, and recommend its passage.

Which bill was read a second time ; whereupon,

Mr. Chapman moved to lay it upon the table ;

Which motion prevailed.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Pitcher, from the judiciary committee, made the following report :

Mr. PRESIDENT :

The judiciary committee, to whom was referred the petition of Jacob Benedict and others, praying for the repeal of the law against Sabbath breaking, have, according to order, had the same under consideration, and instruct me to report that in their opinion it is inexpedient to grant the prayer of the petitioners.

Upon concurring in said report,

The ayes and noes were demanded by Messrs. Herriman and Orth.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Duzan, Ewing, Farmer, Henry, Hodge, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Orth, Parks, Pennington, Pitcher, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, Wilber, and Wood  
—42.

*Those who voted in the negative are,*

Messrs. Herriman and Hoover—2.

So the report was concurred in.

Mr. Pitcher, from the same committee, made the following report :

**Mr. PRESIDENT :**

The judiciary committee, to whom was referred the bill of the Senate No. 17, entitled, "A bill to authorize the appointment of commissioners to take the acknowledgment of deeds and other instruments of writing executed out of the State," have had the same under consideration, and as the object of the bill is provided for by the Revised Code, I am directed to return the bill to the Senate and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

On motion of Mr. Herriman,

By the unanimous consent of the Senate, bill No. 111, to relocate the seat of justice of Noble county, was taken from the files, read a second time, and referred to a select committee.

*Ordered,* That Messrs. Herriman, Mitchell, and Kennedy constitute said committee.

Mr. Tannehill, from the committee on military affairs, made the following report :

**Mr. PRESIDENT :**

The committee on military affairs, to whom was referred bill of the Senate No. 71, a bill to amend an act entitled, "An act to organize the militia of Indiana," approved February 10th, 1841, and to revive and amend the laws authorizing the formation of companies of independent militia, by voluntary enlistment, have, according to order, had the same under consideration, and they have directed me to report the same back, without amendment, and recommend its passage.

Which bill was read a second time ; whereupon,

Mr. Sands moved to strike out the 34th section.

Mr. Ewing moved to recommit the bill to the same committee ;

Mr. Stanford moved to commit the bill to the committee on finance ;

Both of which motions were negatived.

The question then recurring upon the amendment proposed by the Senator from Crawford,

The ayes and noes were demanded by Messrs. Sands and Mitchell.

*Those who voted in the affirmative are,*

Messrs. Alexander, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Duzan, Farmer, Henry, Hodge, Hoover, Hutton, Leviston, Moore, Morgan, Parks, Pennington, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, and Stanford—27.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Ewing, Herriman, Jones, Kennedy, Major, Miller, Mitchell, Orth, Pitcher, Sinclear, Tannehill, Walpole, Wilber, and Wood—20.

So said amendment prevailed.

Mr. Burke moved the indefinite postponement of the bill.

The ayes and noes being demanded by Messrs. Herriman and Burke,

*Those who voted in the affirmative are,*

Messrs. Akin, Bradley, Burke, Carr of Jackson, Davis of Daviess, Davis of Floyd, Defrees, Hodgé, Hoover, Hutton, Jones, Moore, Morgan, Orth, Parks, Pennington, Read, Stanford, Todd, and Wood—20.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Buell of Warren, Carr of Lawrence, Chapman, Cornett, Cotton, Dobson, Duzan, Ewing, Farmer, Henry, Herriman, Kennedy, Leviston, Major, Miller, Mitchell, Pitcher, Reeve, Reyburn, Sands, Shanks, Sinclear, Tannehill, Walpole, and Wilber—27.

So the bill was not indefinitely postponed.

*Ordered,* That said bill be engrossed for a third reading.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

**Mr. PRESIDENT :**

The Speaker of the House of Representatives has signed the following enrolled bill of the Senate, to-wit :

No. 89. An act to incorporate the trustees of the Madison University ;

Which I have been directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed said bill.

Mr. Reeve, from the committee on enrolled bills, made the following report :

**Mr. PRESIDENT :**

The committee on enrolled bills have compared the following enrolled with the engrossed bill of the Senate, viz. :

No. 89. An act to incorporate the trustees of the Madison University ;

And find the same correctly enrolled.

Mr. Ritchey, from the committee on canals and internal improvements, made the following report :



**Mr. PRESIDENT :**

The committee on canals and internal improvements, to which was referred a resolution of the Senate, directing an inquiry into the expediency of extending the time of final payment to the purchasers of the Wabash and Erie canal lands east of Tippecanoe river, have had the subject under consideration, and inasmuch as no such extension has been asked for by the purchasers, as two or three successive sessions of the Legislature will be holden previous to the time now fixed for final payment, on which such legislation will more properly devolve, and believing that "sufficient unto the day is the evil thereof," the committee have directed me to report that it is inexpedient to legislate upon the subject.

Which report was concurred in, and the committee discharged from the further consideration of the subject matter of said resolution.

Mr. Ritchey, from the same committee, made the following report :

**Mr. PRESIDENT :**

The committee on canals and internal improvements, to which was referred a petition from sundry citizens of Warren county, praying that the State shall undertake the construction of the side cut canal connecting the Wabash and Erie canal with the Wabash river, opposite Williamsport in the county of Warren, together with estimates, &c., of the contemplated works, have had the subject under consideration, and believing that the State has already undertaken too many works of this character, have directed me to report that it is inexpedient to legislate upon the subject.

Which report was concurred in, and the committee discharged from the further consideration of the subject matter of said petition.

Mr. Berry, from the committee on corporations, made the following report :

**Mr. PRESIDENT :**

The committee on corporations, to which was referred Senate bill No. 119, repealing an act to incorporate the trustees of Hanover Academy, &c., have had the same under consideration, and directed me to report it back to the Senate and recommend its passage, with one amendment.

Amend by adding to section three,

Provided, that all persons within the county of Jefferson, who have heretofore subscribed any sum or sums of money to said trustees of Hanover College, be, and they are hereby released and exonerated from such subscription.

Which amendment was concurred in ; whereupon,

On motion of Mr. Miller,

The rules were suspended and the amendments considered engrossed.

The question then being,  
Shall the bill pass?

The Senate decided in the affirmative.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Reeve, from the committee on enrolled bills, made the following report:

Mr. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bill of the Senate, to-wit:

No. 63. An act fixing the times of holding circuit courts in the several counties in the fifth judicial circuit;

And find the same correctly enrolled.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk:

Mr. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bill thereof of the following title:

No. 8. An act to organize a new county out of the county of Dearborn, and to relocate the county seat thereof;

Which I have been directed to bring to the Senate for the signature of the President thereof.

And thereupon the President signed said bill.

Mr. Pennington, from a select committee, made the following report:

Mr. PRESIDENT:

The select committee to whom was referred the petition of William Youstler and Francis King, praying that the town of Northampton may be vacated, report, that they have had the same under consideration, and have directed me to report a bill and recommend its passage.

No. 126. A bill to vacate the town of Northampton, in Harrison county;

Read a first time and passed to a second reading.

Mr. Orth, from a select committee, made the following report:

Mr. PRESIDENT:

The select committee to whom was referred a petition praying for the vacation of a certain alley in the city of Lafayette, have had the same under consideration, and instructed me to report the following bill, in pursuance of the prayer of said petition, and respectfully recommend its passage.

No. 127. A bill to vacate a certain alley in the city of Lafayette;

Read a first time and ordered to a second reading.

Mr. Mitchell, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to which was referred petitions and remonstrances of citizens of Kosciusko county, relative to a relocation of the seat of justice of said county, have instructed me to report, that the aggregate of signatures to the petitions and remonstrance amount to 1364, being 418 more than the entire number of polls in said county. The committee have not the means within their control to purge the petitions and remonstrances of illegal signatures, and under the circumstances are compelled to treat them, as regards the excess of signatures, as equally incorrect. The petition contains 576 signatures, and the remonstrance 788 ; from this it would appear that a majority of the citizens of Kosciusko county have *not* petitioned for a relocation of the seat of justice in said county. In addition to this, all the county officers, residing in different parts of the county, and the board of commissioners, in their official capacity, have protested against a review at his time. The committee, therefore, deem legislation upon the subject inexpedient, and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the committee accordingly discharged.

Leave was granted Mr. Mitchell to withdraw said petitions and remonstrances.

Mr. Hodge, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to whom was referred the petition of Israel Martin and others, of Delaware county, praying for the passage of an act extending the provisions of an act entitled, "An act to compel speculators to pay a road tax equal to that paid by actual settlers," to Delaware county, have had the same under consideration, and have directed me to report the following bill and recommend its passage.

No. 128. A bill to extend the provisions of an act therein named to Delaware county ;

Read a first time and ordered to a second reading.

Mr. Cotton, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to whom was referred the bill of the House of Representatives, No. 6, entitled, "A bill to abolish the office of county auditor in the county of Warrick, have, according to order, had the same under consideration, have made sundry amendments thereto, and have instructed me to report the same back, ask the concurrence of the Senate in said amendments, and recommend the passage of said bill with the proposed amendments.

Which amendments were concurred in, and,

On motion of Mr. Walpole,

They were considered engrossed, the bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Carr of Lawrence, from a select committee, made the following report :

**Mr. PRESIDENT :**

The select committee to which was referred the petition of sundry citizens of Lawrence county, relating to the mode of selecting petit jurors in the county aforesaid, have had the same under consideration, and have instructed me to report the following bill and recommend its passage.

No. 129. A bill to change the mode of selecting petit jurors in the county of Lawrence, and for other purposes ;

Read a first time and ordered to a second reading.

Leave being granted,

Mr. Todd presented the petition of N. B. Palmer, President of the Board of Directors of the Madison and Indianapolis Railroad Company, praying for the passage of a law authorizing said company to purchase and hold lands along the line of said road, for the purpose of planting out locust timber for the construction and repair of said road, and for other purposes ;

Which was read ; whereupon,

On leave being granted,

Mr. Todd introduced,

No. 130. A bill to amend an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvement, and the offices of fund commissioner and chief engineer ;

Which was read a first time ; whereupon,

On motion of Mr. Todd,

The rules were suspended, the bill was read a second time, and referred to the committee on canals and internal improvements.

On motion of Mr. Chapman,

The following message from the House of Representatives, (which was received by Mr. Vawter, their Assistant Clerk,) was taken from the table.

**Mr. PRESIDENT :**

I am instructed by the House to inform the Senate that Mr. Conner is appointed, on the part of the House, a joint committee, to act with one on the part of the Senate, on enrolled bills.

Mr. Walpole moved to reciprocate said message, by informing the House of Representatives that Messrs. Reeve and Duzan are the committee on enrolled bills of the Senate ;

Which motion prevailed.

On motion of Mr. Todd,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending that part of the law relating to school commissioners, as to provide a mode of supplying vacancies which may be occasioned by the resignation of such officer ; and report by bill or otherwise.

On motion of Mr. Cornett,

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed on to-morrow morning at 10 o'clock, A. M., to elect a Director of the State Bank, to fill the vacancy occasioned by the expiration of the term of service of Abel C. Pepper.

Mr. Parks gave notice that he would, on to-morrow, introduce a resolution to change the standing rules of the Senate, so as to make the time of meeting half past 8 o'clock, A. M., and at half past 1 o'clock, P. M.

On motion of Mr. Burke,

*Resolved*, That the judiciary committee be respectfully requested to inquire into the propriety of providing by law for the Bank to collect, at least, ten per centum per annum of the suspended debt of said Bank ; also, of extending the same privilege to all individuals ; with leave to report by bill or otherwise.

Mr. Berry offered the following resolution :

*Resolved*, That the committee on canals be instructed to inquire into the expediency of reporting a bill providing that the canal scrip hereafter to be issued, for the prosecution of the Wabash and Erie canal, shall draw an interest of six per cent.

Which was not adopted.

Mr. Wilber offered the following resolution :

*Resolved*, That the committee on canals and internal improvements be instructed to take into consideration the expediency of establishing the same tolls on the Wabash and Erie canal that are now charged on such portion of said work within the limits of the State of Ohio ; and the tolls and water rents to be received in par funds.

Mr. Dobson moved to lay said resolution upon the table ;

Which motion did not prevail.

Mr. Dobson moved to strike out the words " par funds."

The ayes and noes being demanded by Messrs. Dobson and Wilber,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Davis of Floyd, Dobson, Duzan, Ewing, Farmer, Hodge, Hutton, Jones, Major, Miller, Moore, Orth, and Pitcher—17.

*Those who voted in the negative are,*

Messrs. Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Defrees, Herriman, Hoover, Kennedy,

Leviston, Mitchell, Morgan, Parks, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—28.

So the motion to strike out did not prevail.

The question then recurring upon the adoption of the resolution, The Senate decided in the affirmative.

Mr. Mitchell offered the following resolution :

*Resolved*, That the Senate will, the House of Representatives concurring therein, elect by a joint viva voce vote, on Friday, the 5th instant, at half past two o'clock, P. M., an agent of the Indianapolis division of the Central canal, agreeably to the provisions of the 4th chapter, 5th article of the revised laws, approved February 11th, 1843; and that the Secretary of the Senate be directed to inform the House of Representatives of this resolution.

Which was not adopted.

Mr. Bradley offered the following resolution :

*Resolved*, That the committee on the judiciary be requested to inquire into the expediency of repealing the law making it the duty of the clerks and justices of the peace of this State to report to and pay over to the school commissioner, all fees belonging to witnesses and jurors which may not be called for in a given time; with leave to report by bill or otherwise.

Which was not adopted.

Leave being granted,

Mr. Orth introduced,

No. 131. A bill to incorporate the "Lafayette Blues," in Tippecanoe county, Indiana;

Read a first time and passed to a second reading.

Mr. Reeve offered the following resolution :

*Resolved*, That the committee on elections be instructed to report a bill to the Senate confining the voters of this State to their respective townships in voting at all elections.

Mr. Chapman moved to amend by inserting after the word "instructed," "to inquire into the expediency of reporting;"

Which amendment was accepted by the mover.

The question then recurring upon the adoption of the resolution, as amended,

The ayes and noes were demanded by Messrs. Reeve and Burke.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Burke, Chapman, Davis of Daviess, Defrees, Herriman, Kennedy, Leviston, Major, Mitchell, Orth, Reeve, Reyburn, Sinclear, and Wood—16.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Floyd, Dobson, Duzan, Ewing, Far-

mer, Henry, Hodge, Hoover, Hutton, Jones, Miller, Moore, Morgan, Parks, Pennington, Pitcher, Read, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, Walpole, and Wilber—31.

So the resolution was not adopted.

Mr. Burke offered the following resolution :

*Resolved*, That the committee on the judiciary be requested to inquire into the propriety of passing a law authorizing county auditors to administer oaths and take acknowledgments of deeds and other instruments of writing ; with leave to report by bill or otherwise.

Which resolution was not adopted.

On motion of Mr. Davis of Floyd,  
The Senate adjourned.

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## FRIDAY MORNING, JAN. 5, 1844.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has reciprocated the resolution of the Senate providing for going into the election of Bank Director to fill the vacancy occasioned by the expiration of the term of service of Abel C. Pepper, this day at ten o'clock, A. M.

Mr. Sinclear moved a reconsideration of the vote upon concurring in the report of the committee on canals and internal improvements, relative to a petition praying that the State shall undertake the construction of a side cut canal connecting the Wabash and Erie canal with the Wabash river, opposite Williamsport in the county of Warren.

The ayes and noes being demanded by Messrs. Buell of Warren and Sinclear,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Chapman, Cotton, Davis of Daviess, Davis of Floyd, Dolson, Ewing, Farmer, Henry, Hodge, Jones, Kennedy, Moore, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Sinclear, Tannehill, and Todd—27.

*Those who voted in the negative are,*

Messrs. Berry, Cornett, Herriman, Hoover, Hutton, Leviston, Major, Miller, Mitchell, Morgan, Parks, Read, Ritchey, Shanks, Stanford, Wilber, and Wood—17.

So the motion prevailed ; and,

On motion of Mr. Buell of Warren,

The said petition was referred to a select committee.

*Ordered*, That Messrs. Buell of Warren, Orth, and Jones constitute said committee.

On motion of Mr. Shanks,

The order of business upon last evening's adjournment was resumed.

Mr. Davis of Floyd moved a suspension of the rules to present a petition.

The ayes and noes being demanded by Messrs. Davis of Floyd and Cornett,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Ewing, Farmer, Henry, Herriman, Hodge, Hoover, Jones, Kennedy, Leviston, Major, Moore, Morgan, Orth, Parks, Pitcher, Reeve, Reyburn, Sands, Shanks, Sinclear, Tannehill, Todd, and Wilber—35.

*Those who voted in the negative are,*

Messrs. Chapman, Duzan, Hutton, Miller, Mitchell, Pennington, Read, Ritchey, Stanford, and Wood—10.

So leave was granted ; and thereupon,

Mr. Davis of Floyd presented a petition, signed by several hundred citizens of Floyd county, representing certain abuses of the elective franchise in said county, and praying for an amendment of the present election law ;

Also,

The certificate of John C. McCoy, relative to the same subject ; both of which were,

On motion of Mr. Davis of Floyd,

Laid upon the table.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

**Mr. PRESIDENT :**

I have been directed by the House of Representatives to inform the Senate that the House has adopted the following resolution :



*Resolved*, That the Senate be informed that the House of Representatives is now ready to proceed to a separate ballot, with closed doors, for Bank Director, to fill the vacancy of Abel C. Pepper, whose term of service has expired.

Whereupon, the Senate proceeded, with closed doors, to a separate vote, for a Director of the State Bank of Indiana; Messrs. Miller and Reyburn acting as tellers.

Upon counting the votes of the first ballot it appeared that,

Abel C. Pepper received	-	-	-	-	-	26 votes.
James B. Ray received	-	-	-	-	-	15 "
Hugh McCullough received	-	-	-	-	-	3 "
Blank,	-	-	-	-	-	4 "

Abel C. Pepper having obtained a majority of all the votes given, was declared, by the President, duly elected Director of the State Bank of Indiana, on the part of the Senate, for and during the term of four years from and after the expiration of his present term of service.

The following message was received from the House of Representatives, by Mr. English, their Principal Clerk:

Mr. PRESIDENT :

I have been directed by the House of Representatives to deliver to the Senate the following sealed message, in relation to the election of Bank director;

Which message was in the words following, to-wit:

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that, at an election held in the House, in pursuance of a joint resolution of both Houses, for the purpose of electing a Director on the part of the State, of the State Bank of Indiana, to fill the vacancy occasioned by the expiration of the term of service of Abel O. Pepper, Esq., with closed doors, on the first ballot Abel C. Pepper having received a majority of all the votes given, was declared duly elected on the part of the House.

Attest :

WM. H. ENGLISH,  
*Prin. Clerk.*

The President laid before the Senate the following communication from His Excellency the Governor:

EXECUTIVE DEPARTMENT,  
January 3, 1844.

TO THE HON. JESSE D. BRIGHT,

*President of the Senate:*

SIR: The report of Isaac P. Smith, made under the joint resolution of the General Assembly, of January 31, 1842, in relation to the proposed construction of a State Lunatic Asylum, with the accompanying drafts or diagrams of the edifice by him recommended for construction, is herewith transmitted, to be laid before the Legislature for such action thereon as may be deemed advisable.

I am, very respectfully,

Your obedient servant,

JAS. WHITCOMB.

Which report and accompanying diagrams were,

On motion of Mr. Cornett,

Referred to the committee on education.

Mr. Ewing offered the following resolution:

*Resolved*, That a committee of the Senate, to consist of one member from each congressional district, be appointed to act with a like committee to be appointed by the House of Representatives, instructed to examine the bills now pending, and matters now referred or on files, in each House, and make report of such thereof as said joint committee may deem it essential to have determined at the present session. Also, to inquire into the expediency of arresting any new business during the present session, by resolution, and make report severally of the result, and that a copy of this resolution, with the names of the committee appointed in Senate, be reported to the House of Representatives, and a like committee be requested.

The ayes and noes being demanded by Messrs. Chapman and Walpole,

*Those who voted in the affirmative are,*

Messrs. Buell of Warren, Davis of Floyd, Dobson, Ewing, Farmer, Henry, Moore, Pitcher and Walpole—9.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Duzan, Herriman, Hodge, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Morgan, Orth, Parks, Pennington, Read, Reeve, Rayburn, Ritchey, Sands, Shanks, Sinclear, Tannehill, Todd, Wilber, and Wood—37.

So the resolution was not adopted.

On motion of Mr. Farmer,

*Resolved*, That the committee on education be instructed to inquire into the expediency of setting apart the saline lands lying in Brown county for the establishment of an orphan and poor school.

Mr. Parks offered the following resolution :

*Resolved*, That the Senate will so change the time of meeting as to meet at half past eight o'clock, A. M., and at half past one o'clock, P. M., on each day.

The ayes and noes being demanded by Messrs. Chapman and Parks,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Buell of Warren, Davis of Daviess, Davis of Floyd, Dobson, Farmer, Henry, Leviston, Major, Miller, Moore, Orth, Parks, Pennington, Pitcher, Ritchey, Sands, Shanks, Sinclear, Stanford, Todd, Walpole, Wilber, and Wood—25.

*Those who voted in the negative are,*

Messrs. Berry, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Duzan, Ewing, Herriman, Hoover, Hutton, Kennedy, Read, Reeve, and Tannehill—17.

So said resolution was adopted.

Mr. Read offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the act passed last winter subjecting real and personal property to execution, so as to place creditors and debtors on footing of equity and justice, having in view the present as well as the future prosperity of the country ;

Which was not adopted.

The following message was received from His Excellency the Governor, by Mr. Kinder, his Private Secretary :

MR. PRESIDENT :

I am instructed by His Excellency the Governor to inform the Senate that he did, on the 4th inst., approve and sign the following act :

No. 89. An act to incorporate the trustees of Madison University ;

Which originated in the Senate.

On motion of Mr. Herriman,

*Resolved*, That when there is a call of the Senate, the absentees' names shall be entered upon the journal.

Mr. Shanks introduced,

No. 132. A joint resolution explanatory of an act approved Dec. 31, 1841, for the relief of certain persons therein named ;

Which was read a first time, and,

On motion of Mr. Shanks,

The rules were suspended, the bill was read a second time, and referred to the committee on the judiciary.

Mr. Dobson introduced,

No. 133. A joint resolution in relation to the completion of the Wabash and Ohio Canal;

Read a first time and ordered to a second reading.

Mr. Morgan introduced,

No. 134. A bill to incorporate the Lawrenceburgh and Indianapolis Turnpike Company;

Read a first time, whereupon,

On motion of Mr. Morgan,

The rules were suspended, and the bill was read a second time, and,

On motion of Mr. Herriman,

Referred to the committee on corporations.

Mr. Farmer introduced,

No. 135. A bill prescribing the duty and defining the authority of the board of commissioners of the county of Monroe, in certain cases therein named;

Read a first time, whereupon,

On motion of Mr. Farmer,

The rules were suspended, the bill was read the second and third times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

On motion of Mr. Akin,

Bill of the House entitled,

No. 120. An act to provide for the relocation of the seat of justice in the county of Martin,

Was taken from the table and placed on the files.

Mr. Hodge introduced,

No. 136. A bill for the relief of George A. Spelker, of Delaware county;

Read a first time, whereupon,

On motion of Mr. Hodge,

The rules were suspended, the bill was read the second and third times, and passed.

Mr. Todd introduced,

No. 137. A bill to revive an act entitled "An act to establish a board of trustees of the county library of the county of Marion, approved Feb. 11, 1843;"

Read a first time, whereupon,

On motion of Mr. Todd,

The rules were suspended, the bill read the second and third times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Buell of Warren introduced,

No. 138. A bill the better to provide for the security of the semi-ary fund;

Read a first time and ordered to a second reading.

Mr. Kennedy introduced,

No. 139. A bill to allow the assessor of the county of Shelby to qualify;

Read a first time, whereupon,

On motion of Mr. Kennedy,

The rules were dispensed with, the bill was read a second and third times, and passed.

Mr. Wilber introduced,

No. 140. A bill supplemental to an act entitled "An act to incorporate the Trustees of Madison University," passed at the present session;

Read a first time, whereupon,

On motion of Mr. Wilber,

The rules were suspended, the bill was read the second and third times, and passed.

Mr. Pitcher introduced,

No. 141. A bill defining the duty of State Agent;

Read a first time and ordered to a second reading.

Mr. Duzan introduced,

No. 142. A bill to legalize the proceedings of the commissioner of the Indianapolis and Lafayette State road;

Read a first time, whereupon,

On motion of Mr. Duzan,

The rules were dispensed with, the bill was read the second and third times, and passed.

Mr. Herriman introduced,

No. 143. A bill to vacate a part of a State road in Noble and Lagrange counties;

Read a first time, whereupon,

On motion of Mr. Herriman,

The rules were dispensed with, the bill was read a second and third times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bills, and their concurrence therein requested.

Mr. Ritchey gave notice that he would introduce on to-morrow a resolution to alter the 18th standing rule of the Senate, so as to provide that no Senator shall be permitted to vote in any case or any question relating to his own right to a seat in the Senate.

Mr. Reeve introduced,

No. 144. A bill to repeal certain acts therein named;

Read a first time, whereupon,

Mr. Herriman moved its rejection.

The ayes and noes being demanded by Messrs. Herriman and Reeve,

*Those who voted in the affirmative are,*

Messrs. Berry, Duzan, Herriman, Hodge, Hutton, Kennedy, Major, Miller, Mitchell, Moore, Ritchey, Sinclear, and Wood—13.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cotton, Davis of Daviess, Davis of Floyd, Ewing, Henry, Hoover, Leviston, Morgan, Orth, Parks, Pennington, Read, Reeve, Reyburn, Sands, Shanks, Stanford, Tannehill, Todd, Walpole, and Wilber—29.

So the bill was not rejected.

*Ordered,* That said bill pass to a second reading.

On motion of Mr. Davis of Floyd,

The sundry petitions and communications of the citizens of Floyd county, relative to the election laws, were taken from the table and referred to the committee on elections.

Mr. Buell of Warren introduced,

No. 145. A bill to amend the 16th chapter of the revised law relating to road tax ;

Read a first time and ordered to a second reading.

Mr. Ritchey moved to take from the table joint resolution of the House of Representatives, entitled,

No. 2. A joint resolution in relation to refunding the fine imposed upon General Andrew Jackson, and for other purposes.

The ayes and noes being demanded by Messrs. Ritchey and Walpole,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Henry, Herriman, Hoover, Hutton, Jones, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—25.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Cornett, Cotton, Davis of Floyd, Defrees, Farmer, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, and Wilber—19.

So the motion prevailed, and the resolution was taken from the table ; whereupon,

Mr. Ritchey moved that the Senate go into a committee of the whole, and make said joint resolution the order of business ;

Which motion prevailed.

Mr. Davis of Floyd, from the committee on corporations, made the following report:

Mr. PRESIDENT:

The committee on corporations, to whom was referred bill No. 120 of the Senate, entitled, "An act incorporating the town of South Bend, St. Joseph county, Indiana," have had it under consideration, and directed me to report it back with one amendment, and recommend its passage.

Which amendment was concurred in, considered engrossed, the bill was read a third time, and passed.

Mr. Herriman, from a select committee, made the following report:

Mr. PRESIDENT:

The select committee to which was referred a bill to relocate the seat of justice of Noble county, have had the same under consideration and directed me to report the same back, and recommend its passage.

Which bill was read a second and third times, and passed.

*Ordered,* That the House of Representatives be informed of the passage of said bill.

Mr. Ritchey, from the committee on education, made the following report:

Mr. PRESIDENT:

The committee on education, to which was referred a bill of the House, entitled, "A bill for the relief of Stephen Kitson," together with the remonstrance of the trustees and other citizens of the township in which said Kitson resides, have had the subject under consideration, and believing that the passage of the bill would be highly detrimental to the cause of education, that it would unquestionably establish a dangerous precedent, and that it would be invidious and unjust to grant that relief to this individual which has been denied to many other applicants, both to this and to preceding Legislatures, the committee have directed me to report the bill back to the Senate and recommend its indefinite postponement.

Which report was concurred in, and the bill accordingly indefinitely postponed.

Mr. Ritchey, from a select committee, made the following report:

Mr. PRESIDENT:

The select committee to whom was referred the petition of certain citizens of the county of Jefferson, praying for the passage of an act of the General Assembly providing for a special session of the cir-

cuit court of said county, to try one Thornton Acres, imprisoned in the jail of said county upon a charge of murder, have according to order had the same under consideration, and have directed me to report the accompanying bill, in compliance with the prayer of the petition, and respectfully recommend its passage.

Which bill was read a first time and ordered to a second reading.

Mr. Duzan, from the committee on enrolled bills, made the following report :

**Mr. PRESIDENT :**

The joint committee on enrolled bills have compared enrolled with engrossed bills, as follows, and find the same correctly enrolled :

No. 88. An act to vacate a certain alley therein named in the town of Delphi ;

No. 12. An act for the relief of Michael Fitz Gibbon ;

No. 30. An act incorporating the First Presbyterian Church of Decatur ;

No. 10. An act for the relief of Persis Hubbard ;

No. 73. An act amendatory of and supplemental to an act entitled "An act providing for the election of three school commissioners in township No. 14 north, of range No. 7 west, in Parke county," approved January 13th, 1842 ;

No. 85. An act to authorize the school commissioner of Pike county to loan the common school fund of Pike county on personal security ;

No. 122. An act to authorize Charles Nelson to build a mill dam across the Wabash ;

No. 125. An act to vacate a certain alley in the town of Bloomington, in Monroe county ;

No. 94. A bill relating to the proof of title to State lands ;

No. 104. A bill concerning the licensing of auctioneers in the city of Fort Wayne ;

No. 110. An act to change the name of David Barker to the name of David Dobbins ;

No. 98. A bill for the relief of George Belshaw ;

No. 123. A bill declaring a certain road in Steuben county a State road ;

Mr. Reeve, from the committee on enrolled bills, made the following report :

**Mr. PRESIDENT :**

The committee on enrolled bills have presented to His Excellency the Governor, for his approval, the following enrolled bill of the Senate, to-wit :

No. 89. An act to incorporate the trustees of Madison University.



The following message was received from His Excellency the Governor, by Mr. Kinder, his Private Secretary :

EXECUTIVE DEPARTMENT, }  
January 5th, 1844. }

TO THE HON. THE PRESIDENT OF THE SENATE :

SIR : I herewith transmit a copy of the resignation of Delana R. Eckles, Esq., of the office of State Printer, (to which he was elected at the present session of the General Assembly,) as by him communicated to me. The original resignation will be immediately communicated to the Speaker of the House of Representatives, in order that the subject may be laid before each branch of the Legislature at an early period.

I am, very respectfully,  
Your obedient servant,  
JAS. WHITCOMB.

( COPY. )

INDIANAPOLIS, JAN. 4th, 1844.

SIR : I take this occasion to inform your Excellency, that I have resigned, and do hereby resign the office of State Printer to the General Assembly of the State of Indiana.

( Signed ) DELANA R. ECKLES.

Gov. WHITCOMB.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

The Speaker of the House of Representatives has signed the following enrolled bills thereof, entitled as follows, to-wit :

No. 10. An act for the relief of Persis Hubbard, a minor heir of Brigham Hubbard, deceased ;

No. 73. An act amendatory and supplemental to an act entitled "An act providing for the election of three school commissioners in township number fourteen north, of range number seven west, in Parke county," approved Jan. 13th, 1843 ;

No. 85. An act to authorize the school commissioners of Pike county to loan the common school fund of said county on personal security ;

No. 122. An act to authorize Charles Nelson to erect a mill dam across the Wabash river in Adams county ;

No. 125. An act to vacate a certain alley in the town of Bloomington, Monroe county;

No. 94. An act relating to the proof of title to State lands;

No. 104. An act regulating the licensing of auctioneers in the city of Fort Wayne;

No. 123. An act declaring a certain road therein named a State road;

No. 98. An act for the relief of George Belshaw;

No. 110. An act to change the name of David Barker to the name of David Dobbins;

No. 12. An act for the relief of Michael Fitz Gibbon;

No. 30. An act incorporating the First Presbyterian Church of Decatur;

No. 88. An act vacating a certain alley therein named in the town of Delphi;

Which I have been directed to bring to the Senate for the signature of the President.

Whereupon, the President signed said bills.

Mr. Dobson moved a suspension of the rules to introduce a resolution.

The ayes and noes being demanded by Messrs. Davis of Daviess and Dobson,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Farmer, Henry, Herriman, Hoover, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Pennington, Pitcher, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Wilber, and Wood—32.

*Those who voted in the negative are,*

Messrs. Buell of Warren, Cornett, Cotton, Davis of Floyd, Duzan, Ewing, Hodge, Hutton, Moore, Morgan, Orth, Reyburn, and Todd—13.

So the rules were suspended, and

Mr. Dobson offered the following resolution:

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed to the election of a Public Printer, to fill the vacancy occasioned by the resignation of Delana R. Eckles, on tomorrow, the 6th inst., at 10 o'clock, A. M.

The ayes and noes being demanded by Messrs. Davis of Floyd and Dobson,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Herriman, Hoover, Jones, Kennedy,

Leviston, Major, Miller, Mitchell, Parks, Pitcher, Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—24.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Duzan, Ewing, Farmer, Henry, Hodge, Hutton, Moore, Morgan, Orth, Pennington, Reeve, Reyburn, Sands, Stanford, and Todd—23.

So the resolution was adopted.

*Ordered*, That the House of Representatives be informed of the adoption of said resolution, and their concurrence therein requested.

Mr. Tannehill moved that the Senate adjourn.

The ayes and noes being demanded by Messrs. Ewing and Tannehill,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Defrees, Dobson, Henry, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Moore, Parks, Read, Reyburn, Ritchey, Shanks, Sinclear, Tannehill, Todd, Wilber, and Wood—34.

*Those who voted in the negative are,*

Messrs. Davis of Floyd, Ewing, Farmer, Hodge, Mitchell, Orth Pennington, Reeve, and Sands—9.

So the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Leave being granted, Mr. Chapman introduced,

No. 147. A bill fixing the time of holding the courts in the 9th judicial circuit;

Read a first time, whereupon,

On motion of Mr. Chapman,

The rules were dispensed with, the bill was read the second and third times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Leave being granted, Mr. Walpole introduced,

No. 148. A bill extending the benefit of the valuation laws to judgment debtors to the surplus revenue, and giving additional time to such persons for the payment of the same ;

Read a first time, whereupon,

On motion of Mr. Walpole,

The rules were dispensed with, the bill was read a second time, and referred to the committee on the judiciary.

Leave being granted, Mr. Reyburn introduced,

No. 149. A bill to revive and amend an act entitled, "An act for the relief of settlers on the Wabash and Erie Canal lands," approved Feb. 24th, 1840 ;

Read a first time and ordered to a second reading,

Permission was granted to Mr. Herriman to withdraw sundry petitions which he had previously presented, praying for a relocation of the county seat of Noble county.

Mr. Walpole moved that the Senate go into a committee of the whole ;

Pending which,

Mr. Chapman moved a reconsideration of the vote upon going into a committee of the whole.

The ayes and noes being demanded by Messrs. Morgan and Chapman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey Shanks, Sinclear, Tannehill, Todd, and Wood—23.

*Those who voted in the negative are,*

Messrs. Alexander, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Hutton, Moore, Morgan, Orth, Pennington, Reeve, Reyburn, Sands, Stanford, Walpole, and Wilber—22.

So the said vote was reconsidered.

The question then recurring, will the Senate resolve itself into a committee of the whole,

The Senate decided in the negative.

Mr. Defrees moved an adjournment.

The ayes and noes being demanded by Messrs. Defrees and Walpole,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Hodge, Moore, Morgan,

Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, and Walpole—21.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Farmer, Herriman, Hoover Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks' Read, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—26

So the Senate did not adjourn.

No. 2. A joint resolution (of H. R.) in relation to refunding the fine imposed upon General Andrew Jackson, and for other purposes;

Was read a second time, whereupon,

Mr. Ewing moved the following amendments :

*And whereas*, we believe it is the intention of the constitutional provision for electing a chief magistrate every four years, to produce proper responsibility and secure a wholesome rotation, so that virtuous and capable men may not be excluded, or vicious and incompetent men retained in places of public trust, we deem our free government safe only under the "one term" principle; and should fear its spirit subverted by destructive despotism, if a combination of intriguers should ever attempt, successfully, to supersede the choice of a majority of the people by foisting more than one candidate of their party before the country, as the action of a majority of partizans in Congress would in that case be called into requisition, and be for ever deprecated: Therefore,

*Be it further resolved*, That our said Senators be instructed, and our said Representatives be requested, to use their influence in behalf of, and vote for, a proposition to amend the Constitution of the United States, so as to "limit the service of the Chief Magistrate to a single term of either four or six years," in accordance with the recommendation of General Jackson, in his first annual message to Congress.

*And be it further resolved*, That our said Senators be instructed, and our said Representatives be requested, to use their best exertions against the re-establishment of the odious sub-treasury system, the favourite measure of Mr. Van Buren's administration, the adoption of which was urged by him in his third annual message, because, in twenty-two out of twenty-seven *foreign* monarchical governments, the public moneys have been kept in such manner. The "sober second thoughts of the people," in 1840, declared that "the purse and the sword" should never be united; and President Jackson declared, "that the money of the country ought not to be kept locked up by the Government, any more than the arms belonging to the citizens; both will be sure to be misused."

*And be it further resolved*, That our said Senators be instructed, and our Representatives be requested, to use all their influence in behalf of, and to vote for, the establishment of a general uniform currency,

regulated by the authority of the nation," and receivable for all public dues, as a measure of policy sanctioned by Washington, Jefferson, Monroe, Madison, and Jackson, now demanded by the best interests of the nation, and highly necessary to promote the welfare of all our citizens.

*Be it further resolved,* That our said Senators be instructed, and our Representatives requested, to sustain, with all their energies, and on all proper occasions, the doctrines and principles of public policy marked out by Mr. Jefferson in his last message to Congress, in the following forcible language, viz.: "To cultivate peace, maintain commerce and navigation in their lawful enterprises; foster our fisheries as nurseries for navigation and for the nurture of seamen, and protect the manufactures adapted to our circumstances; preserve the faith of the nation by an exact discharge of its debts and contracts; expend the public money with the same care and economy we would practise with our own, and impose on our citizens no unnecessary burdens; and to keep in all things within our constitutional powers, and cherish our Federal Union as the only Rock of Safety.

*And be it further resolved,* That our said Senators be instructed, and our said Representatives be requested, to use their influence, and vote, against the augmentation of the standing army in time of peace, such as was attempted under the delusive guise of "the organization of the militia of the United States," in regard to which Mr. Van Buren remarked, in his third annual message, "I cannot recommend it too strongly to your consideration;" the plan, we mean, submitted by his Secretary of War, Hon. Joel R. Poinsett.

*And be it further resolved,* That our said Senators be further instructed, and our Representatives requested, to use their influence, and vote, against any modification of the present tariff which will not afford adequate protection to American commerce, agriculture, and manufactures—thus, in the language of General Jackson, (in his letter to Doctor Coleman, dated April 20th, 1824), we may become "a little more Americanized, and instead of feeding paupers and laborers of England, feed our own."

*And be it further resolved,* That our said Senators be instructed, and our said Representatives be requested, to use their best endeavors to procure an amendment of the Constitution modifying the veto power now vested in and exercised by the President of the United States, so as to render it somewhat in accordance with the veto power defined in the Constitution of Indiana; and thus enable Congress to enact the bill after it shall have been returned by the President to the House in which it originated—his objections to the contrary notwithstanding.

Pending which,

Mr. Ritchey moved the previous question;

Which was seconded.

The question then being,

Shall the main question be now proposed?

The ayes and noes were demanded by Messrs. Ritchey and Read.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Lawrence, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Parks, Ritchey, Shanks, Sinclear, Tannehill, Wilber, and Wood—19.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Davis of Floyd, Ewing, Farmer, Hodge, Orth, Pennington, Pitcher, Reeve, Stanford, and Todd—15.

So the motion upon putting the main question prevailed.

And upon the question, Shall the bill pass to a third reading on to-morrow?

The ayes and noes were demanded by Messrs. Read and Miller.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Lawrence, Davis of Daviess, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—19.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Davis of Floyd, Ewing, Farmer, Hodge, Moore, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, and Wilber—17.

Mr. Mitchell, upon his motion, was excused from voting, upon the ground that he had agreed with another Senator.

Mr. Read moved to suspend the rules and read a third time now.

The ayes and noes being demanded by Messrs. Read and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—21.

*Those who voted in the negative are,*

Messrs. Alexander, Buell of Warren, Cornett, Cotton, Hodge, Pennington, Reeve, Sands, and Stanford—9.

There being no quorum,

Mr. Read moved a call of the Senate;

Which motion prevailed.

The absentees were Messrs. Burke, Chapman, Defrees, Dobson,

Farmer, Henry, Morgan, Orth, Pennington, Pitcher, Reyburn, Todd, and Walpole.

Mr. Herriman moved to suspend the call of the Senate ;  
Which motion prevailed.

So the joint resolution was read a third time, and passed.

*Ordered*, That the House of Representatives be informed thereof.

On motion of Mr. Ritchey,  
The Senate ahjourned.

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### SATURDAY MORNING, JAN. 6, 1844.

The Senate assembled.

On motion of Mr. Parks,  
A call of the Senate was ordered.

The absentees were Messrs. Akin, Berry, Duzan, Henry, Hodge, Jones, Pitcher, Read, Reeve, and Ritchey ; who,

On motion of Mr. Chapman,  
Were sent for.

On motion of Mr. Miller,  
A further call of the Senate was suspended.

The President laid before the Senate the following communication from Milton Stapp :

#### *To the Honorable the Senate of the State of Indiana :*

The memorial of the undersigned, would represent to your honorable body, that by the report of M. G. Bright, Esq., Agent of State, it will be perceived that the undersigned has given his four several notes, well secured, to the State of Indiana, for the sum of \$369 each, as also a note for \$12,400, to be discharged with the payment of \$14,000 of the bonds of the State at 88 cents to the dollar.

It is perhaps due to the undersigned to say to this honorable Senate, that these notes were not given to the State of Indiana for any moneys, bonds, or other property belonging to the State, which were used or appropriated *by the undersigned* to his own use or benefit ; nor were these notes given by the undersigned as being *justly* due to the State from the undersigned, but they were given, first, because that he believed himself *legally, not justly*, liable to pay a part of the amount ; and, secondly, because he believed at the time he gave these notes that it would lead to the settlement of all of his accounts with the State, and thereby relieve him from a vexatious and ruinous law-suit with a gigantic power, which might hang over his head for



years, and prevent his engaging in business for the support of a growing family.

The undersigned assumes the fact to be, that the amount for which he has given these notes was placed in the position that made him liable, so far as he was liable, by an attempt on his part to save money to the State, and not in any way to benefit himself personally, and that the whole amount is lost to him forever.

The first amount for which the undersigned gave these notes, amounting to over \$14,000, was lost in part by some mistake in making exchanges to put about \$80,000 of western currency into eastern funds, with which to pay our interest. The remaining portion of this sum was raised from M. B. Sherwood, for the purpose of purchasing bonds for him, to be returned to the State, under a contract with him to return bonds to the State, as reported by the undersigned to the Legislature of 1841-42, and was deposited in the Savings Institution at Madison, from which the undersigned was not able to realize the amount, that Institution having failed, and the undersigned constrained to take notes for the greater part thereof, which is wholly lost to him.

The \$14,000 of bonds for which the undersigned has given his note, was lost as follows: The Madison Bond Company gave to the undersigned, while he was fund commissioner, \$8,000 of Newburyport money, in payment in part of an amount due from them to the State. The Newburyport Bank failed while this money was on hand, and for fear of losing the whole amount thereof, the undersigned sold it for about 20 cents to the dollar, and took the pay in an individual note, thought at the time to be good, but before collection could be made this individual also failed, and the amount is wholly lost to the undersigned. For this \$8,000 so lost to the undersigned, he gives to the State nine bonds of \$1,000 each.

The other five bonds, which, added to the nine above mentioned, makes the \$14,000 of bonds for which his note is given, were bonds sent by the Newburyport Bank to Drew, Robinson & Co. for the use of the Madison Company, to be by them returned to the State. Drew, Robinson & Co. sold these bonds and applied the proceeds to the credit of the undersigned against his indebtedness to them on promises made to indemnify them for all loss sustained by them in carrying the loans and doing business for the State.

The undersigned, therefore, prays your honorable body to give this his memorial a place on your journal, as an explanation of the reasons why he has given these notes to the State, and to show that he is not a voluntary defaulter by the use of the funds of the State of Indiana.

Very respectfully,  
MILTON STAPP.

Which,

On motion of Mr. Morgan,  
Was ordered to be embodied in the Senate Journal.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

**Mr. PRESIDENT :**

The House of Representatives has passed, without amendment, engrossed bills of the Senate of the following titles :

No. 69. A bill to require the superintendent of the Wabash and Erie canal to give bond and take an oath of office ;

No. 89. A bill to incorporate the trustees of Madison University.

The House has concurred in the amendments of the Senate to bill of the House No. 18.

Also, the following message :

**Mr. PRESIDENT :**

I have been directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills, viz :

No. 113. An act to amend "An act to authorize the commissioners of certain counties therein named to equalize the appraisement of real estate in said counties ;

No. 102. An act for the relief of Peter Everhart ;

No. 90. An act defining the duties of county auditors and treasurers in this State ;

No. 27. An act for the relief of Curtis Mallery, Treasurer of Hamilton county ;

In which the concurrence of the Senate is respectfully requested.

Message from the House by Mr. Gorman, a member :

**Mr. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 257. A bill to further reduce the expenses of the counties of Owen and Brown ;

In which the concurrence of the Senate is respectfully requested.

Which bill was read a first time, whereupon,

On motion of Mr. Dobson,

The rules were dispensed with, the bill was read a second time, and referred to a select committee.

*Ordered*, That Messrs. Dobson, Farmer, and Major, constitute said committee.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has reciprocated the resolution of the Senate providing for going into the election of a State Printer this day at 10 o'clock, A. M., to fill the vacancy of Delana R. Eckles, resigned.

Mr. Hodge moved to take from the table two bills of the House of Representatives, extending the time for the payment of taxes.

The ayes and noes being demanded by Messrs. Ewing and Hodge,

*Those who voted in the affirmative are,*

Messrs. Berry, Buell of Warren, Burke, Carr of Lawrence, Cotton, Davis of Floyd, Dobson, Ewing, Farmer, Henry, Hodge, Hoover, Hutton, Kennedy, Leviston, Major, Miller, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Ritchey, Sands, Sinclair, Stanford, Tannehill, Todd, Wilber, and Wood—32.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Bradley, Carr of Jackson, Chapman, Davis of Daviess, Duzan, Herriman, Jones, Mitchell, Parks, Read, and Shanks—12.

So the said bills were taken from the table.

No. 29. A bill (of H. R.) postponing the time for the payment of taxes,

(Which is one of said bills just taken from the table,)

Was read a second time, whereupon,

Mr. Chapman moved to refer said bill to the committee on finance.

The ayes and noes being demanded by Messrs. Chapman and Hodge,

*Those who voted in the affirmative are,*

Messrs. Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Defrees, Duzan, Henry, Herriman, Hoover, Hutton, Jones, Major, Mitchell, Moore, Parks, Pitcher, Read, Reeve, Ritchey, Shanks, Walpole, and Wilber—23.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Buell of Warren, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Ewing, Farmer, Hodge, Kennedy, Leviston, Miller, Morgan, Orth, Pennington, Reyburn, Sinclair, Stanford, Tannehill, Todd, and Wood—22.

So the bill was referred to the said committee.

No. 82. A bill (of H. R.) postponing the time of paying taxes for the year 1843,

(The other of said bills taken from the table,)

Was read a second time, and

The following message from the House of Representatives being announced by Mr. Vawter, their Assistant Clerk; the Senate deferred the consideration of said bill :

Mr. PRESIDENT :

The House of Representatives has adopted the following resolution :

*Resolved*, That the Senate be invited to attend in the Hall of the House *instantly*, for the purpose of proceeding to the election of a State Printer, to fill the vacancy of Delana R. Eckles resigned, and that seats are provided for them on the right of the Speaker's chair.

Whereupon, the Senate repaired to the Hall of the House of Representatives, and proceeded to the election of Public Printer by joint vote, *viva voce*.

*Those who voted for Jacob P. Chapman are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, Wood, Athon, Barbour, Boone, Bowles, Burton, Byers, Chambers, Chapman, Clark of Tippecanoe, Cowen, Edger, Elder, Engle, Ferry, Fuller, Gorman, Halbert, Handy, Hardin, Helwig, Hostetter, James, Jones of Fountain, Jones of Franklin, Keimer, Kelly, Logan of Pike, Logan of Washington, Macy, McAlister, McClure, McConnell, McDonald, McRae, Mickle, Miller of Crawford, Mooney, Moore, Norvell, O'Neill, Palmer, Robbins, Saffer, Simonson, Spicknall, Turman, Williams, Wright, and Mr. Speaker—74.

*Those who voted for Jesse C. Douglass are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, Allen of Laporte, Allen of Putnam, Barrett, Bearss, Blakemore, Clark of Hamilton, Coffin, Conner, Dowling, Foley, Ford, Forseman, Garrett, Gilbert, Gregory, Hannah, Harris, Harrison, Hiatt, Hobbs, Hodges, Holloway, Huddleston, Hurlbut, Kerr, Lee of Jefferson, Lee of Posey, Miller of Vanderburgh, Montague, Morgan, Nees, Nutter, Parker, Reed, Rich, Roberts of Laporte, Roberts of Putnam, Seller, Shelby, Simpson, Smith, Sutherland, Tevis, Verbrake, Williamson, and Wolfe—70.

S. V. B. Noel received the vote of Mr. Wilber—1.

Jacob P. Chapman, having obtained a majority of all the votes given, the President declared him duly elected Public Printer for and during the term of three years from and after the expiration of the term of service of the present incumbent.

The President then declared the convention adjourned *sine die*; and thereupon, the Senate returned to their chamber.

The Senate resumed the consideration of

No. 82. A bill to postpone the time of paying taxes for the year 1843; which bill,

On motion of Mr. Chapman,

Was referred to the committee on finance.

Mr. Dobson presented three petitions of sundry citizens of Owen county, praying for the passage of an act authorizing Adam Hough and John Sanders to erect a dam across White river at a certain point therein mentioned; which,

On motion of Mr. Dobson,

Was referred to the same select committee to whom had been previously referred other petitions upon the same subject.

Mr. Wood presented the petition of sundry citizens of Randolph county, praying for the passage of an act making it the duty of all persons who reside within the corporation of the town of Spartansburgh in said county, to work on the roads in the districts adjacent to said town; which was,

On motion of Mr. Wood,

Referred to a select committee.

Ordered, That Messrs. Wood, Akin, and Carr of Lawrence constitute said committee.

Mr. Davis of Daviess presented the petition of sundry citizens of Martin county, praying for the passage of an act for the relocation of the seat of justice of said county; which was,

On motion of Mr. Davis of Daviess,

Laid upon the table.

Mr. Herriman presented the petition of sundry citizens of the counties of Steuben and DeKalb, praying for the passage of an act to locate a certain state road therein mentioned.

On motion of Mr. Herriman,

Said petition was referred to a select committee.

Ordered, That Messrs. Herriman, Kennedy, and Pennington constitute said committee.

Mr. Miller presented the petition of David R. Pitcher and other citizens of Dubois county, praying for the passage of an act providing for an additional justice of the peace in the county of Dubois: which was,

On motion of Mr. Miller,

Referred to a select committee.

Ordered, That Messrs. Miller, Major, and Shanks constitute said committee.

Mr. Reyburn presented the petition of Joseph Sellers and others of Cass county, praying for the passage of an act regulating the ad

mission to the bar, and practice of lawyers, abolishing the practice of special pleading, &c. ; which,

On motion of Mr. Cornett,

Was referred to the committee on agriculture.

Mr. Chapman, from the committee on elections, made the following report :

Mr. PRESIDENT :

The committee on elections, to which was referred the certificates of election of the newly elected members of this Senate, have examined the same, and find, upon such examination, that the following named persons were duly elected members of this body on the first Monday of August last, in pursuance of the laws of this State, from the following counties, to-wit :

*From the counties of Cass, Miami, and Wabash*—William M. Reymurn.

*From the counties of Clinton and Carroll*—Andrew Major.

*From the county of Dearborn*—George P. Buell.

*From the county of Decatur*—James Morgan.

*From the counties of Fayette and Union*—James Leviston.

*From the county of Floyd*—John S. Davis.

*From the county of Fountain*—Caleb V. Jones.

*From the county of Franklin*—George Berry.

*From the county of Knox*—John Ewing.

*From the counties of Laporte, Porter, and Lake*—Joseph W. Chapman.

*From the county of Marion*—Thomas J. Todd.

*From the counties of Noble, Lagrange, Steuben, and DeKalb*—David B. Herriman.

*From the county of Putnam*—Albert G. Hutton.

*From the counties of Randolph, Jay, and Blackford*—Isaac F. Wood.

*From the counties of St. Joseph, Marshall, and Fulton*—John D. Defrees.

*From the county of Tippecanoe*—Godlove S. Orth.

*From the counties of Vigo, Clay, and Sullivan*—Ransom W. Akin.

Your committee further report, that they find no other evidence of the election of Shadrach Wilber of the county of Jefferson, and Frederick Moore of the county of Montgomery, than the certificates of the auditors of their respective counties, which certificates are not regarded as coming from the proper authority. But as there is no contest as to their right to seats upon the floor of the Senate, your committee respectfully recommend that they be permitted to retain their seats until objections are made from the proper quarter.

Mr. Walpole moved to concur in the report with the following amendment :

*Whereas*, the county auditor's certificate is regarded as *prima facie* evidence of the election of Senator ; therefore,

*Be it resolved,* That the election of Shadrach Wilber and Frederica Moore be regarded as valid, and their seats as Senators be confirmed.

Mr. Herman moved to lay said report and proposed amendment upon the table ;

Which motion was negatived.

Mr. Walpole moved an adjournment.

The ayes and noes being demanded by Messrs. Chapman and Davis of Daviess,

*Those who voted in the affirmative are,*

Messrs. Alexander, Burke, Carr of Jackson, Carr of Lawrence, Cotton, Defrees, Ewing, Farmer, Henry, Herriman, Hoover, Leviston, Jones, Kennedy, Major, Miller, Mitchell, Pennington, Read, Ritchey, Moore, Morgan, Orth, Parks, Pitcher, Reeve, Reyburn, Stanford, Todd, Walpole, Wilber, and Wood—23.

*Those who voted in the negative are,*

Messrs. Berry, Bradley, Buell of Warren, Chapman, Cornett, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Farmer, Hodge, Hutton, Jones, Kennedy, Major, Miller, Mitchell, Pennington, Read, Ritchey, Sands, Shanks, Sinclear, and Tannehill—24.

So the Senate did not adjourn.

The question then recurring upon the concurring in the report and amendment,

The ayes and noes were demanded by Messrs. Ritchey and Chapman,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Leviston, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, and Wilber—25.

*Those who voted in the negative are,*

Messrs. Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—22.

Mr. Leviston moved a reconsideration of said vote.

The ayes and noes being demanded by Messrs. Ritchey and Read,

*Those who voted in the affirmative are,*

Messrs. Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Ken-

nedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—23.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, and Wilber—24.

So said vote was not reconsidered.

On motion,  
The Senate adjourned.

*1½ o'clock, P. M.*

The Senate assembled.

On motion of Mr. Mitchell,  
A call of the Senate was ordered.

The absentees were Messrs. Akin, Berry, Chapman, Davis of Daviess, Defrees, Duzan, Ewing, Jones, Leviston, Miller, Parks, Pitcher, Read, Ritchey, and Sinclear.

On motion of Mr. Cornett,  
A further call was suspended.

On motion of Mr. Reyburn,  
Bill of the Senate No. 149, entitled, "A bill to revive and amend an act entitled, 'an act for the relief of settlers on the Wabash and Erie canal lands,'" approved February 24th, 1840 ;

Was taken from the files and read a second time ; and,

On motion of Mr. Berry,  
Was referred to the committee on canals and internal improvements.

Leave being granted,  
Mr. Cornett introduced,

No. 150. A bill to extend the time of holding the circuit court in the county of Ripley, and to change the time of holding the same in the counties of Jennings, Jefferson, Switzerland, and Dearborn ;

Which bill was read a first time ; whereupon,

On motion of Mr. Cornett,  
The rules were dispensed with, the bill was read a second time, and referred to a select committee.

Ordered, That Messrs. Cornett, Wilber, Berry, Henry, Buell of Dearborn, and Tannehill constitute said committee.

Leave being granted,  
Mr. Herriman introduced,

No. 151. A bill providing for the location of a state road in the counties of Steuben and DeKalb.



On motion of Mr. Herriman,  
The rules were dispensed with, the said bill was three several times read, and passed.

On motion of Mr. Cotton,  
Bill No. 88, of the Senate, entitled, "A bill to provide for the appointment of a county auditor and school commissioner for the county of Perry;"

Was taken from the files, read a third time, and passed.

The following message was received from the House of Representatives, by Mr. English, their Principal Clerk:

Mr. PRESIDENT:

I have been directed by the House of Representatives to inform the Senate that the House has passed engrossed bills thereof, as follows, to-wit:

No. 201. An act to incorporate the Porter County Manufacturing Company;

No. 289. An act in relation to road tax in the town of Laporte;

No. 282. An act regulating the road law in the county of War-  
rick;

No. 290. An act incorporating the Delphi Water Works Com-  
pany;

No. 276. An act declaring a misprint in the Revised Statutes of  
1843;

No. 259. An act to provide for the erection of a bridge across  
French Lick Creek, in the county of Orange;

No. 272. An act vesting the duty of school commissioner in the  
county treasurer in certain counties;

No. 284. An act to locate a state road on the line between the  
counties of Lagrange, Steuben, Noble, and DeKalb;

In which the concurrence of the Senate is respectfully requested.

The House has also passed engrossed joint resolution of the Senate  
of the following title, with two amendments:

No. 13. A joint resolution explanatory of an act entitled, "An  
act for the relief of Jesse J. Burton and Joseph Luther," approved  
February 2d, 1843; and an act entitled, "An act for the relief of  
Nathan Burchfield," approved February 11th, 1843, and for other  
purposes.

Each of said bills was severally read the first time and ordered to a  
second reading, except the following:

No. 201. A bill incorporating the Porter County Manufacturing  
Company;

Which was, after a second reading,

On motion of Mr. Chapman,

Referred to the committee on corporations.

No. 289. A bill in relation to the road tax in the town of Laporte;

Which was read the first and second times, the rules being dispensed  
with, and ordered to a third reading.

The question recurring, Will the Senate concur in the amendments of the House of Representatives to the joint resolution ?

Mr. Walpole called for a division of the question ;

And on the question, will the Senate agree to the first amendment of the House, striking out the name of Joseph H. Hendricks where it occurs in said resolution,

The ayes and noes were demanded by Messrs. Ewing and Walpole.

*Those who voted in the affirmative are,*

Messrs. Akin, Herriman, Hutton, Reeve, Sands, Tannehill, and Walpole—8.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Floyd, Dobson, Duzan, Ewing, Farmer, Henry, Hodge, Hoover, Kennedy, Leviston, Major, Mitchell, Moore, Morgan, Orth, Parks, Pennington, Pitcher, Read, Reyburn, Ritchey, Shanks, Stanford, Todd, Wilber, and Wood—36.

So the Senate disagreed to the amendment of the House.

The question then recurring, will the Senate concur in the amendment of the House of Representatives striking out the third section of the joint resolution ;

Which question was decided in the negative.

So the Senate disagreed to the said amendment.

*Ordered*, That the secretary inform the House of Representatives of the disagreement of the Senate to the amendments of the House to the joint resolution.

On motion of Mr. Pitcher,

Bill of the House No. 34, entitled, " An act regulating the boundaries of the counties of Warrick and Gibson ; "

Was taken from the table ; whereupon,

Mr. Miller moved the following amendment :

" That nothing in this act shall be so construed as to prohibit the county of Gibson from exercising jurisdiction over nine sections in the northwest corner of township four south, of range nine west."

The ayes and noes being demanded by Messrs. Cotton and Bradley,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hutton, Kennedy, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—20.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Hoover, Leviston, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, and Wilber—25.

So said amendment did not prevail.

On motion,

The rules were suspended, and the bill read a third time.

The question then being,

Shall the bill pass?

The ayes and noes were demanded by Messrs. Miller and Cotton.

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Henry, Hodge, Hoover, Leviston, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, and Walpole—24.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Kennedy, Major, Miller, Mitchell, Parks, Read, Ritchey, Sinclear, Tannehill, and Wood—19.

*Ordered,* That the House of Representatives be informed of the  
So the bill passed.

passage of said bill, and their concurrence therein requested.

Leave being granted,

Mr. Orth presented a petition praying for the passage of a bill for the relief of boatmen on the Wabash and Erie canal, and the establishment of a medical infirmary;

And Mr. Orth introduced,

No. 152. A bill for the relief of boatmen on the Wabash and Erie canal, and for the establishment of a medical infirmary;

Which bill was read a first time; whereupon,

On motion of Mr. Orth,

The rules were suspended, the bill was read a second time, and referred to the committee on corporations.

Leave being granted,

Mr. Davis of Floyd introduced,

No. 153. A bill to amend the several acts authorizing the seizure of boats and other vessels for debt.

On motion of Mr. Davis of Floyd,

The rules were suspended, the bill was read a second time, and referred to the committee on the judiciary.

Leave being granted,

Mr. Ritchey presented the remonstrance of — Carlisle and others

against allowing the lessees of water rent the privilege of changing the purposes thereof; which,

On motion of Mr. Ritchey,

Was referred to the committee on canals and internal improvements.

Leave being granted,

Mr. Wilber made the following report :

Mr. PRESIDENT :

The committee on the State Bank, to which was referred a joint resolution of the Senate relative to the reduction of the salary of the President of the State Bank and other officers, have had said resolution under consideration, and have instructed me to report the same back, without amendment, and recommend its passage.

Which joint resolution was read the third time ; whereupon,

Mr. Chapman moved its indefinite postponement.

The ayes and noes being demanded by Messrs. Chapman and Davis of Daviess,

*Those who voted in the affirmative are,*

Messrs. Chapman and Hoover—2.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Farmer, Henry, Herriman, Hodge, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Orth, Parks, Pennington, Pitcher, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—44.

So said joint resolution was not indefinitely postponed.

Mr. Ewing moved the following amendment :

“And that said board of directors be further requested to exercise their power and influence to prohibit the collecting officers or legal advisers of the several Branch Banks from acting as directors thereof; also, to have the number of subordinate officers reduced, when it be practicable.”

Which amendment prevailed.

The question then being,

Shall the joint resolution pass ?

The ayes and noes were demanded by Messrs. Ewing and Walpole.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis

of Floyd, Dobson, Duzan, Ewing, Farmer, Henry, Herriman, Hodge, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Orth, Parks, Pennington, Pitcher, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—45.

*Those who voted in the negative are,*

Messrs. Chapman and Hoover—2.

So the joint resolution passed.

*Ordered*, That the House of Representatives be informed of the passage thereof, and their concurrence therein requested.

Leave being granted,

Mr. Davis of Floyd offered the following resolution :

*Resolved*, That when the Senate adjourns, it will adjourn over until Tuesday next.

Which resolution was adopted.

Leave being granted,

Mr. Akin, from the committee on the State Bank, made the following report :

Mr. PRESIDENT :

The committee on the State Bank, to which a resolution of the Senate was referred, instructing said committee to inquire into the expediency of amending the 22d section of an act establishing a State Bank, approved January 15th, 1834, have, according to order, had the same under consideration, and instruct me to make the following report :

That the committee find, upon an examination of the act aforesaid, that the Legislature has taken the precaution to reserve to itself the right to prohibit the Bank from issuing notes of a less denomination than ten dollars after the lapse of ten years.

Also, by reference to an act approved February 15th, 1841, giving the Bank the privilege of issuing notes of a less denomination than five dollars, it appears that said last named act expires, by limitation, in February, 1846. In view of these facts the committee are of opinion that further legislation on the subject, at this time, is unnecessary, and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the committee accordingly discharged.

Leave being granted,

Mr. Carr of Lawrence offered the following resolution :

*Resolved*, That from and after Wednesday next the Senate will take up the orders of the day each day during the remainder of the session at two o'clock, P. M.

Mr. Miller moved to strike out "two," and insert "half past one;" Which motion did not prevail.

The question then recurring upon the adoption of the resolution, The Senate decided in the affirmative.

Mr. Chapman, from the committee on corporations, made the following report:

Mr. PRESIDENT:

The committee on corporations, to whom was referred bill of the House No. 201, entitled, "A bill incorporating the Porter County Manufacturing Company," have had the same under consideration, and have instructed me to report the same back, without amendment, and recommend its passage.

Which bill was read a second time, and,

On motion of Mr. Chapman,

The rules were suspended, the bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill.

Mr. Duzan, from the committee on enrolled bills, made the following report:

Mr. PRESIDENT:

The joint committee on enrolled bills have this day presented to His Excellency the Governor, for his approval, the following enrolled bills:

No. 88. An act vacating a certain alley therein named in the town of Delphi;

No. 12. An act for the relief of Michael Fitz Gibbons;

No. 30. An act incorporating the First Presbyterian Church of Decatur;

No. 10. An act for the relief of Persis Hubbard;

No. 73. An act amendatory of and supplemental to an act entitled, "An act providing for the election of three school commissioners in township No. 14 north, of range No. 7 west, in Parke county," approved January 13th, 1842;

No. 85. An act to authorize the school commissioner of Pike county to loan the common school fund of Pike county on personal security;

No. 125. An act to vacate a certain alley in the town of Bloomington in Monroe county;

No. 94. A bill relating to the proof of title to state lands;

No. 104. A bill concerning the licensing of auctioneers in the city of Fort Wayne;

No. 110. An act to change the name of David Barker to the name of David Dobbinns;

No. 98. A bill for the relief of George Belshaw;

No. 123. A bill declaring a certain road in Steuben county a state road;

No. 122. An act to authorize Charles Nelson to build a mill dam across the Wabash river in Adams county.

Mr. Reeve, from the same committee, made the following report :

Mr. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed bill of the Senate, viz. :

No. 69. An act to require the Superintendent of the Wabash and Erie canal to give bond and take an oath of office ;

And find the same correctly enrolled.

No. 120. A bill to relocate the county seat of Martin county ;

Was read a third time ; whereupon,

Mr. Davis of Daviess moved to amend by adding to the last clause, " and a certified copy filed in the clerk's office in Martin county : "

Which amendment was adopted by the unanimous consent of the Senate ;

And the bill passed.

No. 68. A bill (of the Senate) allowing foreign and domestic merchandise, in the counties of Noble, Lagrange, Steuben, and DeKalb, to be vended without license ;

Read a third time and passed.

No. 90. A bill (of the Senate) for the relief of the borrowers of the surplus revenue fund ;

Read a third time ; whereupon,

Mr. Walpole moved to recommit it to the committee on the judiciary, with the following instructions :

" That if the auditor of the proper county at any time becomes apprehensive of the insufficiency of the said security, he shall immediately require other and additional security on such bond ; and on failure of the borrower to give such additional security, the bond shall become absolute, and be immediately put in suit."

The ayes and noes being demanded by Messrs. Walpole and Sands,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Buell of Warren, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Farmer, Hodge, Kennedy, Major, Morgan, Ritchey, Sands, Tannehill, Todd, and Walpole—17.

*Those who voted in the negative are,*

Messrs. Bradley, Burke, Chapinan, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Duzan, Ewing, Henry, Herriman, Hoover, Hutton, Leviston, Miller, Mitchell, Moore, Orth, Pennington, Pitcher, Read, Reeve, Reyburn, Shanks, Sinclear, Stanford, Wilber, and Wood—29.

So the motion to recommit with instructions did not prevail.

The question then recurring,

Shall the bill pass ?

The ayes and noes were demanded by Messrs. Morgan and Herriman,

*Those who voted in the affirmative are,*

Messrs. Berry, Bradley, Buell of Warren, Farmer, Hodge, Miller, Morgan, Pennington, Ritchey, Sands, Tannehill, Todd, and Walpole—13.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Ewing, Henry, Herriman, Hoover, Hutton, Kennedy, Leviston, Major, Mitchell, Moore, Orth, Pitcher, Read, Reeve, Reyburn, Shanks, Sinclair, Stanford, Wilber, and Wood—32.

So the bill did not pass.

Mr. Read moved a reconsideration of the vote upon the passage of bill No. 120, entitled, "A bill to relocate the county seat of Martin county ;"

Which motion did not prevail.

Leave being granted,

Mr. Orth presented the report of a select committee, together with a bill ; which,

On motion of Mr. Berry,

Was laid upon the table.

Leave being granted,

Mr. Herriman, from the committee on roads, made the following report :

Mr. PRESIDENT :

The committee on roads, to which was referred a petition of sundry citizens of Daviess county, have according to order had the same under consideration, and directed me to report the following bill :

No. 154. A bill to change a State road in Daviess county ;

Read a first time, and,

On motion of Mr. Herriman,

The rules were suspended, the bill was read the second and third times, and passed.

*Ordered,* That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Chapman moved to take up the message from the House of Representatives containing a resolution proposing to go into an election of State Librarian ;

Which motion was negatived.

No. 91. A bill (of Senate) to locate a certain State road in the counties of Noble and Lagrange,

Was read a third time and passed.



No. 134. A bill.

No. 87. A bill (of H. R.) to prevent speculation in Treasury Notes,

Was read a third time ; and the question being,  
Shall the bill pass?

The Senate decided in the negative.

No. 45. A bill (of Senate) to provide for the improvement of the Rapids of the Wabash river,

Was read a third time ; and the question being,  
Shall the bill pass ?

The ayes and noes being demanded by Messrs. Chapman and Ewing,

*Those who voted in the affirmative are,*

Messrs. Akin, Bradley, Buell of Warren, Davis of Floyd, Dobson, Ewing, Farmer, Hodge, Jones, Moore, Orth, Pitcher, Reyburn, and Walpole—13.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Davis of Daviess, Defrees, Duzan, Herriman, Hoover, Hutton, Kennedy, Leviston, Major, Mitchell, Morgan, Parks, Pennington, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Wilber, and Wood—28.

So the bill did not pass.

On motion of Mr. Stanford,  
The Senate adjourned.

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TUESDAY MORNING, JAN. 9th, 1844.

The Senate assembled.

On motion of Mr. Herriman,  
A call of the Senate was ordered.

The absentees were Messrs. Bradley, Burke, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Duzan, Farmer, Henry, Hutton, Kennedy, Leviston, Major, Miller, Moore, Ritchey, Sands, and Walpole.

On motion of Mr. Morgan,  
The further call was suspended.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

Mr. President :

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bills and joint resolution thereof as follows, to-wit :

No. 133. An act changing the application of water power at the St. Mary's aqueduct, on the Wabash and Erie Canal ;

No. 224. An act for the relief of justices of the peace ;

No. 297. A joint resolution respecting the State Prison ;

In which the concurrence of the Senate is respectfully requested.

The said bills and joint resolution were severally read a first time, and ordered to a second reading.

Mr. Buell of Warren moved a suspension of the rules for a second reading of the joint resolution ;

Which motion failed.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

Mr. President :

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution :

*Resolved*, That the House will, the Senate concurring therein, proceed, on Wednesday the 10th instant, at 10 o'clock, A. M., to the election of a State Librarian.

Upon reciprocating the said resolution,

The ayes and noes being demanded by Messrs. Chapman and Akin,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Burke, Chapman, Davis of Daviess, De-frees, Farmer, Henry, Herriman, Hutton, Jones, Kennedy, Leviston, Mitchell, Pitcher, Ritchey, Sinclear, Tannehill, Wilber, and Wood  
—20.

*Those who voted in the negative are,*

Messrs. Berry, Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Floyd, Duzan, Ewing, Hodge, Hoover, Major, Miller, Moore, Morgan, Orth, Parks, Pennington, Read, Reeve, Reyburn, Sands, Shanks, Stanford, and Todd  
—26.

So the said resolution was not reciprocated.

Mr. Leviston presented two petitions from sundry citizens of the counties of Union and Wayne, praying for the passage of an act to locate a certain road therein mentioned ; which,

On motion of Mr. Leviston,

Were referred to a select committee.

*Ordered*, That Messrs. Leviston, Moore, Berry, and Burke constitute said committee.

Mr. Morgan presented the petition of Joel Doolittle, and other citizens of the counties of Decatur, Shelby, and Bartholomew, praying for the construction of a railroad from Milford, Decatur county, to Columbus, Bartholomew county; which,

On motion of Mr. Morgan,

Was referred to a select committee.

*Ordered*, That Messrs. Morgan, Stanford, and Tannehill, constitute said committee.

Mr. Hodge introduced the petition of Walter March, and other citizens of Delaware county, praying for the passage of an act to release one Patrick Justice from the payment of two hundred dollars, for which he is liable as security for Horatio M. Slack, a commissioner of the three per cent. fund of said county; which,

On motion of Mr. Hodge,

Was referred to a select committee.

*Ordered*, That Messrs. Hodge, Reyburn, and Hutton, constitute said committee.

Mr. Wood presented the petition of sundry citizens of Randolph [county,] praying for the passage of a law to divorce one John D. Davis from his wife Emeline; which,

On motion of Mr. Ewing,

Was referred to the committee on the judiciary.

Mr. Defrees presented the petition of J. L. Jernegan, and other citizens of St. Joseph county, praying for the repeal of several sections of the law prohibiting Indians, negroes, and mulattoes, from giving evidence, &c.;

Which petition Mr. Defrees moved to refer to the committee on the judiciary;

Pending which,

Mr. Miller moved to lay it upon the table.

The ayes and noes being demanded by Messrs. Orth and Defrees,

*Those who voted in the affirmative are,*

Messrs. Berry, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cotton, Davis of Daviess, Duzan, Farmer, Hutton, Jones, Kennedy, Major, Miller, Mitchell, Parks, Pennington, Read, Shanks, Walpole, Wilber, and Wood—23.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Chapman, Cornett, Davis of Floyd, Defrees, Ewing, Henry, Herriman, Hodge, Hoover, Leviston, Moore, Morgan, Orth, Pitcher, Reeve, Reyburn, Sands, Sinclear, Stanford, Tannehill, and Todd—22.

So said petition was laid upon the table.

Mr. Reeve presented the petition of Charles W. Morrow, of Rush county, praying to be released from an indictment found against him by the grand jury of said county for failure to make and file his affidavit, as required by law, to the county auditor; which,

On motion of Mr. Reeve,  
Was laid upon the table.

On motion of Mr. Jones,  
By the unanimous consent of the Senate, the memorial of Alexander McClelland, a contractor on the Wabash and Erie Canal, was withdrawn from the committee on canals and internal improvements, and referred to a select committee.

*Ordered*, That Messrs. Jones, Wilber, Hutton, and Orth, constitute said committee.

Mr. Reyburn presented the petition of sundry citizens of Wabash and Miami counties, praying for the passage of an act to authorize Stephen Steinbarger to erect a mill dam across the Mississinewa river; which,

On motion of Mr. Reyburn,  
Was referred to a select committee.

*Ordered*, That Messrs. Reyburn, Todd, and Buell of Warren constitute said committee.

Mr. Orth presented the petition of John Fryback, praying for the passage of an act to authorize him to institute suit against the State for certain timber taken from his land for the use of the Lafayette and Crawfordsville turnpike road; which,

On motion of Mr. Ewing,  
Was referred to the committee on the judiciary.

Leave was granted to Mr. Buell of Warren to withdraw the petition of sundry citizens of Warren county, praying for the construction of a side-cut canal.

Mr. Defrees, from a minority of the committee on elections, made the following report, relative to the contested right of David Henry to a seat in this Senate:

**Mr. PRESIDENT:**

The undersigned, members of the committee on elections, to whom was referred the memorial of Daniel Kelso, contesting the right of David Henry to a seat in the Senate, as Senator from the county of Switzerland, dissenting from the report and conclusions of a majority of said committee, upon the important points involved in said contest, beg leave respectfully to submit to the Senate their reasons of such dissent.

The undersigned deem it a matter of small importance to whom the returns of said election in the county of Switzerland were made, or from what officer the certificate of election emanated, under which Mr. Henry claimed and was allowed his seat in the Senate, at the opening of the present session of the General Assembly, and in this respect, as the majority of the committee have come to the very pro-

per and common sense conclusion, "that no negligence or fraud on the part of the election officers of said county, could deprive the person elected by the people of his seat," and as there is not, nor has not been any other certificate than Mr. Henry's, nor any better one than the auditor's produced, as the foundation of any other person's claim to said seat, the undersigned will not canvass the argument by which the majority arrive at that result.

The undersigned conceive that the only question for the committee and the Senate to determine in this case is, which of the candidates for the office received the greatest number of legal votes at the election.

To ascertain this fact, the committee have the benefit of admissions of the parties, and of certain depositions produced before them.

The undersigned concur with the majority of the committee, that the whole number of votes apparently cast for Mr. Henry was nine hundred and sixteen, and the whole number apparently cast for Mr. Kelso was nine hundred and fifteen, giving to Mr. Henry a majority of one vote.

It appeared, in the course of the investigation, that immediately after the result of the election was ascertained, and the certificate awarded to Mr. Henry, that Mr. Kelso gave him notice of his intention to contest the election, because of illegal votes, and that the notice so given did not particularize who had voted illegally, or at what poll the illegal votes were given.

It further appeared that this attempt to contest the election by Mr. Kelso was commenced, or intended to be commenced, under the Statute of the State regulating the contesting of elections. That when the board of commissioners of the county of Switzerland assembled to take down the testimony in writing, they were of opinion that, from the loose and illegal manner in which Mr. Kelso had laid the grounds of his proceedings, they were not authorized to proceed in the matter, and that they adjourned without proceeding therein. Whether said board of commissioners were correct in their opinion, and action in this respect, it is unnecessary for the undersigned to attempt to decide, though they can well conceive, that in order to require of a board of commissioners, the performance of the statutory duty in such cases, the previous requisitions of the law must have been complied with on the part of the person seeking to avail himself of the provisions of that law.

Without stopping, however, to remark further in relation to the insufficiency of the notice given by Mr. Kelso, or in relation to the correctness of the course pursued by the commissioners, we proceed at once to the consideration of other points which the case presents of such character as force us to a different conclusion than that arrived at in the report of the majority.

It is a constitutional provision that the Senate and House of Representatives shall each be judges of the qualifications and elections of its own members. This judgment can only be formed upon compe-

tent testimony. A proper regard for the solemn obligation which is taken to support the constitution, forbids any other conclusion.

The law relative to contested elections has pointed out the mode by which testimony calculated to determine the rights of claimants to seats in the legislature shall be taken, which is as follows, to-wit :

SEC. 34. If any candidate or elector of the proper county shall choose to contest the validity of any election, or the right of any person proclaimed duly elected in any county, to his seat in the General Assembly of this State, such person shall give notice in writing to the person whose election he means to contest, or leave a written notice thereof at the house where such person last resided, within ten days after such election, expressing therein the points on which the same is contested, and shall also give notice to the inspector, judges, and clerks of the township or townships where such grounds for contesting the election of any candidate may have arisen, as in case of the person proclaimed duly elected, and shall, within the same time, give notice to the sheriff of the county, who shall thereupon summon the members of the board doing county business of the proper county, who shall be severally obliged to attend, under the penalty of fifty dollars each; the sheriff shall appoint a place and time for the said board to meet, within the county, which shall be within twenty days after the election; the said board, or any two of them, shall have power to issue subpoenas, and compel the attendance of witnesses to give evidence, under the penalty of fifty dollars, to be levied of each and every delinquent who shall have been duly served with process; and the said board so met shall hear and certify under seal, all testimony relative to said contested election to the Speaker of the House of Representatives, or President of the Senate, as the case may be, at their next General Assembly.

SEC. 35. No person shall contest any election, unless he is an elector of that county or district in which the elections are held, nor shall any testimony be received which does not relate to the points specified in the notice; copies attested and sworn to by the person who delivers or leaves said notices, shall be delivered to the board doing county business, at the time of their meeting, and previous to their taking any person's testimony: *Provided*, that nothing in this section contained, or in any law of this State, shall be so construed as to authorize an election for any officer to be set aside on account of illegal votes having been given at said election, unless it should be made to appear that a number of illegal votes have been given to the successful candidate, which, if taken from him, would be sufficient to reduce his vote below that of any other candidate for the same office, after having deducted from such other candidate the number of illegal votes that shall appear to have been given to him.

It is not pretended that the testimony submitted by Mr. Kelso to the committee was taken in accordance with the provisions of this Statute. If not, was it legally taken? and if not so taken ought it to have been received by the committee, or should it be received by the Senate? We apprehend not, else why the necessity of the law,

if its provisions are disregarded. We do not contend, however, that the failure on the part of Mr. Kelso, from whatever cause, to take testimony in accordance with the law, precluded him from his seat, provided sufficient testimony to give him the right, taken in pursuance of competent authority, were submitted by him. On failure to comply with the existing law, this could only be done under the direction of the Senate itself, derived from that power given by the constitution of judging of the qualification and election of its own members. This was not done. The depositions were taken before a justice of the peace on the 27th, 28th, and 29th days of November, only a few days previous to the assembling of the Legislature.

The majority of the committee determined, after having suppressed a portion of the depositions, that this evidence should be received. Upon the effect of this testimony, we will remark before we conclude.

When this case was submitted to the committee by the Senate, power was given it to institute a commission in Switzerland county to take such testimony as either party might require. Mr. Henry wished to avail himself of the authority thus given, and made application for the privilege of procuring testimony to establish the fact that Mr. Kelso had received a greater number of illegal votes than were given for him at the last August election. This request, so just in itself, as it seems to us, was denied by a majority of the committee. In justification of that denial, on the part of a majority, it is urged in their report, that it was the duty of Mr. Henry to have proven his testimony previous to the assembling of the Legislature, because, they say, "Mr. Henry must be presumed to have known that no return had been made to the proper officer by the returning judges, of a single township in his county; that he had no certificate of election, and could get none, and that it was his duty to procure some other evidence of his having received a majority of the votes of his county." The judges of the election, through a mistake of the law, (and we admit it to be so,) made their returns to the county auditor. Mr. Henry produced the certificate of that officer, upon which he was admitted, sworn in, and took his seat. This mistake was not made a ground of contest by Mr. Kelso. As admitted by the majority of the committee, the only issue between them was as to illegal votes. Why, then, even if it had been legally in his power, should Mr. Henry be compelled, previous to the assembling of the Legislature, to adduce testimony on a point not in issue, until the session had commenced. The denial by the majority of the committee of the reasonable request of Mr. Henry, to take testimony establishing the fact of a number of illegal votes having been cast for his opponent, seems to us indefensible. The majority of the committee determined that it was too late a day to ask for this time. The reasoning by which this position is sustained, can be well appreciated by the Senate, when they consider that so important a right as a seat, as a Senator, should not be sacrificed for a pretended want of time to examine who is legally entitled to it.

If it be urged that Mr. Henry should have given Mr. Kelso notice of contest, and proceeded to take depositions before the county commissioners, to prove that illegal votes had been cast for Kelso, we reply, that the only evidence in existence as to the number of votes given for each of the claimants, was in the possession of the county auditor, whose certificate of the fact (although not strictly legal) that Mr. Henry had received the greater number of votes, was better evidence than the mere claim of Mr. Kelso, unsupported by any testimony whatever.

To sustain the position that the certificate of the county auditor, being the only testimony produced, ought to be considered as *prima facie* evidence of the right of a Senator to his seat, the undersigned refer to the report made by the committee on elections, at the last session of the Senate, of which the then Senator from Jefferson, now Lieutenant Governor, was chairman. At that session, the Senator from Johnson, and perhaps other Senators, produced the auditor's certificate as the only evidence of their election. That committee say, in their report, "that said credentials are all in due form of law, and, upon their face contain the necessary legal evidence of election." (See *Senate Journal* of 1842-'3, p. 366.)

Admitting, only for the argument, (not that we agree to its correctness) that the depositions were properly received by the committee, the inquiry arises as to the sufficiency of the evidence as to the illegality of votes cast for Mr. Henry, being the only question in issue.

No one will deny the position to be correct, that every vote received by the judges of an election must be presumed to be legal until the contrary be clearly proven. To do so, it requires testimony of the most positive and undeniable character. It is not enough merely to create a doubt whether it be illegal or not, and upon such doubt decide it to be so. If this were the case, a seat in either branch of the Legislature would be held by an uncertain tenure, thus making the elective franchise a mockery. In testing the fact whether the vote of Nimrod Bannister (the only one upon which there is any evidence) be illegal or not, it is only necessary to apply this admitted principle. Mr. Bannister says, in his deposition, that he directed one Howard to make out his ticket, and to leave on it the name of David Henry. Mr. Howard, being sworn, states that he did so make out the ticket. There can be no doubt but that Bannister did vote for David Henry. Was that vote legal? It must be admitted to be so, unless the contrary be proven by such testimony as spoken of above.

Was such testimony submitted to the committee? An examination of it will determine the inquiry. It will be recollected that Mr. Bannister himself, who must be presumed to be the best acquainted with the fact of his eligibility to vote, is not asked to say, in his deposition, whether he was legally entitled to vote, nor does he say so. Why a question so important, the answer to which would be the best evidence, and should have been adduced, was not asked by Mr. Kelso, can only be accounted for by presuming that he was aware that such answer would not prove such ineligibility. For the pur-



pose of casting a shade of doubt over Bannister's right to vote, a Mr. Morris is introduced, who says, "that Mr. Bannister removed from the State of Ohio to Indiana in Sept., 1842, and never lived in Indiana before." Now this may be the truth, and yet Mr. Bannister's right to vote be beyond question. The first section of the sixth article of the Constitution of the State declares that "every white male citizen of the United States, of the age of twenty-one years and upwards, who has resided in the State one year immediately preceding such election, shall be entitled to vote," &c.

The question, "What shall constitute *residence* within the meaning of the Constitution," is not determined by that instrument. This, like all other questions arising upon its construction, must be determined by the tribunal constituted for that purpose—the Judiciary.

Here the committee are enabled to present such authority in support of their position, that no one, it seems to us, having a regard for their opinion, can, for a moment, doubt. It has been held by the circuit court of the United States, that "if a citizen (of one State) thinks proper to change his domicil, and to remove with his family, if he have one, (to another,) he becomes, *immediately* upon such removal, accompanied by such intention, a resident of that State."—See *Cooper's Lessee vs. Galbraith*, 3 Wash. Rep'ts.

The principle being thus established that the moment a person determines to leave one State, and sets out upon his journey for the purpose and with the intention of becoming a citizen of another, he is, within the meaning of the Constitution, a resident of the State to which he is moving. We ask whether the evidence of Mr. Morris be sufficient to preclude the possibility of Mr. Bannister's having commenced his removal to Indiana previous to the first day of August, 1842, although he did not arrive at the place of his destination until September, 1842? We think not, and, if it be not, it follows that Mr. Bannister was a *resident* of this State from the day he set out on his removal here, with the intention of making it his permanent home, and consequently legally entitled to vote. If this reasoning be not in itself conclusive, we are reminded that the testimony of Mr. Morris is not of the first character, but secondary, and not entitled to much credit. The best testimony would be Mr. Bannister's own statement. Although, it will be recollected, he was on the stand as a witness, the question seems to have been purposely avoided, and the important fact of his residence is not elicited. The only certain evidence is not adduced, and resort is had to Mr. Morris, who says, that "Mr. Bannister removed from the State of Ohio to Indiana in September, 1842, and never lived in Indiana before." The arrival of a stranger in a neighborhood is not an event of such an unfrequent occurrence as would be calculated to impress distinctly the time of his arrival upon the minds of those among whom he settles. Mr. Morris may have been mistaken as to that time, and upon this uncertain testimony the undersigned are not disposed to eject from the Senate the present sitting member, sent here by a majority of the people of his county.

In view of all the facts, which this case presents, and the reasoning upon those facts thus briefly given, the undersigned can arrive at no other conclusion than that Mr. Henry received the greatest number of the suffrages of the people at the last August election in Switzerland county, and consequently is the rightful and legal Senator from that county. In accordance with these views, they present the following resolution to the Senate and ask its adoption.

JOHN D. DEFREES,  
ELI P. FARMER,  
ARCHIBALD ALEXANDER,  
ROBERT G. COTTON.

*Resolved*, That David Henry, having received the greatest number of votes at the election held for the office of Senator in Switzerland county, at the last August election, he is entitled to his seat as such Senator, until the expiration of the term for which he was elected.

The above report was,

On motion of Mr. Shanks,

Laid upon the table.

Mr. Shanks moved to take from the table the report of the majority of said committee, which had been ordered to lie upon the table until the said report of the minority should be submitted.

The sense of the Senate was called thereupon; and the Chair being unable to decide the question, a division was required, and it appeared that the Senate was equally divided; and thereupon,

The President voted in the affirmative, and

The said report was taken from the table and ordered to be read.

Mr. Morgan moved that the report of the minority be taken from the table and read;

Which motion prevailed; and

The report was accordingly read; after which,

Mr. Davis of Daviess moved to again lay it upon the table;

Which motion prevailed.

Mr. Walpole moved a reconsideration of said vote.

The ayes and noes being demanded by Messrs. Walpole and Defrees,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, and Wilber—23.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannahill, and Wood—25.

So said vote was not reconsidered.

Mr. Walpole moved that the depositions relative to the contested seat of David Henry be taken from the table and read.

The ayes and noes being demanded by Messrs. Walpole and Orth,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Dearborn, Buell of Warren, Burke, Carr of Jackson, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Hodge, Hoover, Hutton, Leviston, Moore, Morgan, Orth, Parks, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd Walpole, and Wilber—30.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Herriman, Jones, Kennedy, Major, Miller, Mitchell, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—18.

So the resolutions were taken from the table and ordered to be read.

The report of the majority of the committee on elections having been taken from the table and read, the question recurred upon the adoption of the resolutions therewith submitted.

Pending which,

Mr. Defrees moved to strike out said resolutions from the resolving clause, and insert in lieu thereof the following:

“That it appearing by the evidence submitted to the Senate, that David Henry, having received the greater number of legal votes given by the people of Switzerland county, for the office of Senator, at the last August election, he is entitled to his seat on this floor, as such Senator, for the term of time for which he was so elected.”

On motion,

The Senate adjourned.

1½ o'clock, P. M.

The Senate assembled.

Mr. Dobson (leave being granted) presented the petition of sundry citizens of the county of Owen, praying for the passage of an act requiring the person having charge of the surplus revenue and school funds, to sell the lands mortgaged therefor, on a credit of ten years, by the purchaser complying with certain conditions therein mentioned; which was,

On motion of Mr. Dobson,

Referred to the committee on education.

On motion of Mr. Burke,

A call of the Senate was ordered.

The absentees were Messrs. Akin, Bradley, Buell of Dearborn, Defrees, Duzan, Farmer, Hutton, Jones, Leviston, Major, Pitcher, Read, Reeve, Ritchey, Sands, Sinclear, and Walpole.

On motion of Mr. Miller,

A further call was suspended.

The Senate resumed the consideration of Mr. Defrees's motion, which was pending at the time of adjournment;

And having spent some time therein,

On motion of Mr. Pitcher,

The Senate adjourned.

### WEDNESDAY MORNING, JAN. 10th, 1844.

The Senate assembled.

Permission was granted to Mr. Defrees to withdraw a petition praying for the repeal of certain sections of the law prohibiting Indians, negroes, and mulattoes to give evidence, &c.

Mr. Pennington presented the petition of Aaron Peters, and other citizens of Harrison county, praying for the passage of an act to permit the legal holders of certificates of purchase of school lands to relinquish any forty acre lot and apply the payments thereon made towards the liquidation of the amount due on such lots as they may retain; which,

On motion of Mr. Pennington,

Was referred to the committee on education.

Mr. Ewing presented the petition of Charles C. Law, praying for a divorce from his wife, Lockey Law; which,

On motion of Mr. Ewing,

Was referred to the committee on the judiciary.

Also, the petition of Joseph Chambers, Henry Gilham, and others, in relation to school lands; which,

On motion of Mr. Ewing,

Was referred to the committee on education.

Mr. Sands presented the remonstrance of Cornelius White, and other citizens of Orange county, against the passage of a law to abolish the office of county auditor; which,

On motion of Mr. Sands,

Was laid upon the table.

Mr. Todd presented the petition of Wm. Campbell, and other citizens of Indianapolis, praying for the passage of a law donating the lot called the "Governor's Circle," to the city of Indianapolis, for a town hall, and place of public resort; which,

On motion of Mr. Todd,  
Was referred to the committee on the affairs of the town of Indianapolis.

Mr. Cotton presented the petition of the commissioners of Perry county, in relation to the surplus revenue ; which,

On motion of Mr. Cotton,

Was referred to the committee on education.

Mr. Farmer presented the petition of the inhabitants of the seminary township in Monroe county, praying for the passage of an act requiring the auditor of said county to be governed in the loaning of school funds by a certain section of law therein named ; which,

On motion of Mr. Farmer,

Was referred to a select committee.

Ordered, That Messrs. Farmer, Stanford, and Pennington, constitute said committee.

Mr. Todd presented the petition of Samuel S. Rooker, and other citizens of Indianapolis, praying for the passage of an act empowering the common council of the town of Indianapolis to keep a certain pond drain therein named in repair ; which,

On motion of Mr. Todd,

Was referred to the committee on the affairs of the town of Indianapolis.

Mr. Davis of Floyd (leave being granted) presented a communication from F. Moore, jr., relative to a petition from the citizens of Floyd county in reference to the election law ; which was read, and,

On motion of Mr. Davis of Floyd,

He was permitted to withdraw said communication.

Mr. Parks moved a suspension of the rules to introduce a resolution ;

Which motion did not prevail.

Mr. Reeve, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills have presented to His Excellency the Governor, for his approval, the following enrolled bills and joint resolution, to-wit :

No. 33. An act for the relief of William P. Andrews, of the county of Rush ;

No. 12. An act to correct the plat of the town of Enochsburgh, Franklin county ;

No. 3. A joint resolution on the subject of improving the navigation of the Mississippi, Ohio, and Wabash rivers.

Mr. Chapman, from the committee on the judiciary made the following report :

Mr. PRESIDENT :

The committee on the judiciary, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of reducing the members of the Senate to thirty, and the members of the House of Representatives to sixty, prospectively, for the purpose of carrying out the retrenchment commenced at this session, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate thereon at this time.

Which report was concurred in, and the committee accordingly discharged.

Mr. Chapman, from the same committee, made the following report :

Mr. PRESIDENT :

The committee on the judiciary, to which was referred a resolution of the Senate instructing them to inquire into the expediency of so modifying our criminal laws as to leave a discretionary power with the jury in all cases where capital punishment is prescribed, to substitute therefor solitary confinement for life, have had that subject under consideration, and have instructed me to report that it is inexpedient to legislate thereon.

The report was concurred in, and the committee accordingly discharged.

Mr. Davis of Floyd, from the same committee, made the following report :

Mr. PRESIDENT :

The committee on the judiciary, to which was referred bill of the Senate No. 153, entitled, "A bill to amend the several acts authorizing the seizure of boats and other vessels for debt, have had the same under consideration, and have made one amendment thereto, which is to strike said bill out from the enacting clause, and insert the following. With this amendment I have been instructed to report said bill back to the Senate and recommend its passage.

Which amendment was concurred in ; and,

On motion of Mr. Davis of Floyd,

The rules were suspended, the bill was read a third time and passed.

*Ordered,* That the House of Representatives be informed of the passage of said bill, and their concurrence requested in the said amendment.

Mr. Cornett, from the same committee, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to which was referred the joint resolution of the Senate, No. 132, entitled, "A joint resolution explanatory of an act approved Dec. 31st, 1841, for the relief of certain persons therein named," have had the same under consideration. The first section of said joint resolution reads as follows, to-wit :

"Be it resolved, &c., That the legal interest mentioned in the first section of an act approved Dec. 31st, 1841, for the relief of certain persons therein named, be and the same is hereby declared to mean the same as in section 190 of the 13th chapter of the Revised Statutes."

The committee, after having examined the acts above referred to, are clear in the opinion that the law now means what the joint resolution proposes to make it, and think it unnecessary to legislate upon the subject. Therefore, the indefinite postponement of the joint resolution is respectfully recommended.

Which report was concurred in, and the said joint resolution indefinitely postponed.

The Senate resumed the consideration of the reports of the committee on elections.

Mr. Parks moved the previous question ;

Which was seconded by the Senate.

The question recurring,

Shall the main question be now put?

The ayes and noes being demanded by Messrs. Walpole and Sands,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—24.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, and Wilber—23.

So the Senate decided that the main question should be propounded.

The main question being upon the adoption of the resolutions of the majority of the committee,

The ayes and noes were demanded by Messrs. Walpole and Sands.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Buell of Dearborn, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Herriman, Hoover, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—23.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of W., Burke, Cornett, Cotton, Davis of F., Defrees, Ewing, Farmer, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Rayburn, Sands, Stanford, Todd, and Wilber—22.

So said resolutions were adopted.

Mr. Pitcher, from the committee on the judiciary, made the following report:

Mr. PRESIDENT:

The judiciary committee, to whom was referred the bill of the Senate entitled, "A bill to enable married women to acquire and hold separate property," have according to order had the same under consideration, have made one amendment thereto, and have directed me to report the bill with the amendment to the Senate, and recommend its passage.

Amend by adding as the 8th section the following to-wit:

"Sec. 8. That hereafter all actions and suits at law and in chancery for the recovery of money or other property of a married woman, or for the recovery of damages done to her property, real or personal, shall be brought in her name alone."

Which amendment was concurred in; and thereupon,

Mr. Ewing offered the following amendment:

"Provided, however, that the enactments and stipulations of this act shall be taken and construed to extend only to such property as may have been acquired or brought to the husband by the wife as belonging to her at the period of their marriage, and such as may be bequeathed to her afterwards, and shall not apply to or cover for her exclusive use any property purchased in her name with his means, or at his instance afterwards, unless the husband be free of all indebtedness at the period such purchase was made."

Mr. Parks moved to lay the bill and proposed amendment upon the table;

Which motion did not prevail.

The question then recurring upon the adoption of the amendment,

The ayes and noes being demanded by Messrs. Ewing and Walpole,



*Those who voted in the affirmative are,*

Messrs. Berry, Bradley, Buell of Warren, Burke, Cornett, Davis of Daviess, Defrees, Dobson, Ewing, Farmer, Hodge, Kennedy, Leviston, Moore, Orth, Parks, Pennington, Read, Reeve, Reyburn, Sands, Shanks, Stanford, Todd, Walpole, and Wilber—25.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Carr of Jackson, Carr of Lawrence, Chapman, Cotton, Davis of Floyd, Duzan, Herriman, Hoover, Major, Miller, Mitchell, Morgan, Pitcher, Ritchey, Sinclear, Tannehill, and Wood—20.

So said amendment prevailed.

Mr. Pitcher moved a suspension of the rules for a third reading of said bill.

The ayes and noes being demanded by Messrs. Parks and Akin,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Duzan, Ewing, Farmer, Herriman, Hodge, Kennedy, Major, Miller, Mitchell, Moore, Morgan, Pennington, Pitcher, Read, Reyburn, Ritchey, Shanks, Sinclear, Stanford, Tannehill, and Todd—30.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Chapman, Cotton, Hoover, Jones, Leviston, Orth, Parks, Reeve, Sands, Wilber, and Wood—14.

So the rules were suspended, and the bill was read the third time.

The question then being,

Shall the bill pass?

The ayes and noes being demanded by Messrs. Walpole and Ewing,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Duzan, Farmer, Herriman, Hodge, Kennedy, Major, Mitchell, Morgan, Pennington, Pitcher, Reyburn, Sands, Sinclear, Stanford, Tannehill, and Todd—25.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Chapman, Cotton, Hoover, Jones, Leviston, Miller, Moore, Orth, Parks, Read, Reeve, Ritchey, Shanks, Wilber, and Wood—18.

So the bill passed.

Mr. Akin moved to amend the title of said bill by striking out all after the word "bill" and inserting "to defraud creditors ;"

Upon which

The ayes and noes were demanded by Messrs. Davis of Daviess and Walpole.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Hoover, Jones, Leviston, Orth, Reeve, and Wood—9.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Duzan, Farmer, Herriman, Hodge, Kennedy, Major, Miller, Mitchell, Moore, Morgan, Parks, Pennington, Pitcher, Read, Reyburn, Ritchey, Sands, Shanks, Sinclear, Tannehill, Todd, Walpole, and Wilber—34.

So the title was not so amended.

Mr. Pitcher, from the same committee, made the following report:

**Mr. PRESIDENT :**

The committee on the judiciary, to whom was referred the bill of the Senate entitled, "A bill giving authority to take acknowledgments or proofs of deeds and conveyances as therein named," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Which bill was read a second time and ordered to be engrossed for a third reading.

Mr. Walpole, from the same committee, made the following report:

**Mr. PRESIDENT :**

The judiciary committee, to whom was referred bill of the Senate No. 148, entitled, "A bill extending the benefit of the valuation laws to judgment debtors to the surplus revenue, and giving additional time to such persons for the payment of the same," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

And I herewith report bill No. 155, entitled, "A bill to restrict the session of the grand jury to three days at each term of the Hancock circuit court," and recommend its passage.

On motion of Mr. Walpole,

The rules were suspended, and bill No. 148 was read the third time.

And the question being upon its passage,

The ayes and noes were demanded by Messrs. Chapman and Walpole.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Daviess, Dobson, Duzan, Ewing, Farmer, Hodge, Jones, Kennedy, Major, Miller, Moore, Morgan, Orth, Parks, Pennington, Pitcher, Read, Reyburn, Ritchey, Sands, Sinclear, Tannehill, Todd, Walpole, and Wilber—30.

*Those who voted in the negative are,*

Messrs. Bradley, Chapman, Davis of Floyd, Herriman, Hoover, Leviston, Mitchell, Reeve, Shanks, and Wood—13.

So said bill passed.

On motion of Mr. Walpole,

The rules were suspended, and bill No. 155, entitled, "A bill to restrict the session of the grand jury to three days at each term of the Hancock circuit court,"

Was read three several times and passed.

Ordered, That the House of Representatives be informed of the passage of said bills, and their concurrence therein requested.

Mr. Cornett, from the committee on education, made the following report :

**Mr. PRESIDENT :**

The committee on education, to which was referred the petition of James Curry, praying the passage of a law to authorize the school commissioner of Boone county to set off to said petitioner so much of a certain tract of land which said petitioner purchased of said commissioner at the rates and price that he agreed to give for the same as will equal the money paid by him, have had the same under consideration, and have directed me to report, that it is, in the opinion of said committee, inexpedient to legislate on that subject.

Which report was concurred in, and the committee discharged from the further consideration of said petition.

Mr. Stanford, from the same committee, made the following report :

**Mr. PRESIDENT :**

The committee on education, to which was referred "A bill for the better security of the common school fund of Jackson county," have, according to order, had the same under consideration, and have directed me to report that, in their opinion, it is inexpedient to legislate on that subject at this time, and recommend the indefinite postponement of the bill.

Which report was concurred in, and the bill accordingly indefinitely postponed.

Mr. Ritchey, from the committee on canals and internal improvements, made the following report :

Mr. PRESIDENT :

The committee on canals and internal improvements, to which was referred bill No. 35, of the Senate, entitled, " A bill for the relief of settlers on the Wabash and Erie canal lands," have examined the subject, and directed me to report the bill back to the Senate and recommend that said bill be laid upon the table.

Which report was concurred in, and the bill accordingly laid upon the table.

Mr. Ritchey, from the same committee, made the following report :

Mr. PRESIDENT :

The committee on canals and internal improvements, to whom was referred the petition of James R. Slack and other citizens of Huntington county, in relation to the Fort Wayne and Lafayette state road, have had it under consideration, and instructed me to report that it is inexpedient to legislate on that subject.

Which report was concurred in and the committee discharged.

Mr. Jones, from the same committee, made the following report :

Mr. PRESIDENT :

The committee on canals and internal improvements, to which was referred a petition from sundry citizens of Fountain county, have directed me to report the same back to the Senate, with the within bill, and recommend its passage.

No. 156. A bill for the relief of the citizens of those counties through which the Wabash and Erie canal passes.

Which bill was read a first time and ordered to a second reading.

Mr. Orth, from the same committee, made the following report :

Mr. PRESIDENT :

The committee on canals and internal improvements, to whom was referred bill of the Senate No. 149, entitled, " A bill to revive and amend an act entitled, ' an act for the relief of settlers on the Wabash and Erie canal lands,' " approved February 24th, 1840, have had the same under consideration, and instructed me to report the same with the following amendments, and after said amendments are adopted, they recommend its passage.

Add the following section :

SEC. —. That the appraisers provided for in the act to which this is an amendment, shall deduct from the appraised value of such im-

provements, the amount of the rents and profits, waste and dilapidation, done or suffered to such lands during the occupancy thereof: Provided, that payments shall be made in par funds for improvements only to those who have made them by actual settlement upon the lands, and residing upon them at the time of their appraisement, or to their heirs, executors, or administrators.

Mr. Chapman moved to lay said amendment upon the table.

The ayes and noes being demanded by Messrs. Chapman and Orth,

*Those who voted in the affirmative are,*

Messrs. Alexander, Buell of Warren, Chapman, Defrees, Dobson, Ewing, Farmer, Herriman, Hodge, Kennedy, Major, Miller, Mitchell, Orth, Pitcher, Reyburn, Sands, Shanks, Sinclear, Tannehill, and Walpole—20.

*Those who voted in the negative are,*

Messrs. Berry, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Daviess, Davis of Floyd, Hoover, Jones, Leviston, Moore, Morgan, Parks, Pennington, Read, Reeve, Ritchey, and Todd—19.

So the amendment was laid upon the table.

Mr. Carr of Lawrence moved to amend the first section of the bill as follows:

“Strike out all after the word ‘revived,’ to the end of the section.

Pending which,

On motion,

The Senate adjourned.

*1½ o'clock, P. M.*

The Senate assembled.

Mr. Chapman moved a call of the Senate.

The absentees were Messrs. Buell of Dearborn, Davis of Floyd, Defrees, Dobson, Ewing, Hutton, Leviston, Orth, Pennington, Pitcher, Sands, and Tannehill.

On motion of Mr. Burke,

Leave of absence was granted to Mr. Hutton, on account of indisposition.

On motion of Mr. Carr of Lawrence,

Leave of absence was granted to Mr. Buell of Dearborn.

On motion of Mr. Akin,

A further call of the Senate was suspended.

The Senate resumed the consideration of bill No. 149, entitled, “A

bill to amend an act entitled, 'an act for the relief of settlers on the Wabash and Erie canal lands,' approved February 24th, 1840.

Mr. Chapman moved the following amendment:

Provided, however, that such improvements as have been made by persons subsequent to the passage of the act of last winter on this subject, shall be paid for in canal scrip, issued for the construction of said canal, as is provided in the law of last winter.

Which amendment prevailed.

The question then recurred upon the amendment pending at the adjournment, and

The ayes and noes were demanded by Messrs. Chapman and Carr of Lawrence.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Floyd, Ewing, Jones, Moore, Morgan, Parks, Pennington, Read, Reeve, Ritchey, Sands, Stanford, Todd, and Wilber—21.

*Those who voted in the negative are,*

Messrs. Alexander, Chapman, Cotton, Davis of Daviess, Defrees, Dobson, Duzan, Farmer, Herriman, Hodge, Hoover, Kennedy, Leviston, Major, Miller, Mitchell, Orth, Pitcher, Reyburn, Shanks, Sinclear, Tannehill, Walpole, and Wood—25.

So said amendment did not prevail.

Mr. Mitchell moved the following amendment:

"Be it further enacted, that from and after the passage of this act, the scrip already issued for the extension of the Wabash and Erie canal west of Lafayette, shall bear an interest of six per cent. per annum, and all scrip hereafter issued for a like purpose, shall bear a like interest from the date of issue."

The ayes and noes were demanded by Messrs. Mitchell and Herriman.

*Those who voted in the affirmative are,*

Messrs. Akin, Bradley, Buell of Warren, Burke, Chapman, Dobson, Duzan, Herriman, Jones, Kennedy, Mitchell, Moore, Orth, Pitcher, and Sinclear—15.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Hoover, Leviston, Major, Miller, Morgan, Parks, Pennington, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—31.

So said amendment did not prevail.

Mr. Carr of Lawrence moved the indefinite postponement of said bill.

The ayes and noes were demanded by Messrs. Chapman and Carr of Lawrence.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Ewing, Jones, Leviston, Moore, Morgan, Parks, Pennington, Reeve, Ritchey, Sands, and Todd—18.

*Those who voted in the negative are,*

Messrs. Alexander, Buell of Warren, Chapman, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Duzan, Herriman, Hodge, Hoover, Kennedy, Major, Miller, Mitchell, Orth, Pitcher, Read, Reburn, Shanks, Sinclear, Stanford, Tannehill, Walpole, Wilber, and Wood—28.

So said bill was not indefinitely postponed.

Mr. Ewing moved to commit the bill with instructions.

Mr. Parks moved a division of the question ;

And the Senate refused to commit.

On motion of Mr. Orth,

The rules were suspended, and the bill was read a third time ; whereupon,

Mr. Carr of Lawrence moved to recommit the bill to the committee on canals and internal improvements, with the following instructions :

“ That the right of pre-emption shall only be secured to those who had settled on the land previous to its selection by the State.”

A division was called,

And the Senate refused to recommit.

The question then recurring upon the passage of said bill,

The Senate decided in the affirmative.

*Ordered,* That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Davis of Daviess offered the following resolution :

*Resolved,* That the Senate will hold night sessions every other night, beginning with to-morrow night, during the present session, commencing at half past 6 o'clock, P. M.

Mr. Parks moved to amend said resolution by striking out the word “ other ; ”

Which motion was negatived.

The question then recurring upon the adoption of the resolution,

The ayes and noes were demanded by Messrs. Davis of Daviess and Parks,

*Those who voted in the affirmative are,*

Messrs. Berry, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Farmer, Herriman, Hodge, Kennedy, Leviston, Major, Miller, Moore, Parks, Ritchey, Sands, Shanks, Sinclear, Stanford, Todd, Walpole, and Wilber—21.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Defrees, Ewing, Hoover, Jones, Morgan, Orth, Pennington, Pitcher, Read, Reeve, Reyburn, Tannehill, and Wood—23.

So said resolution, was rejected.

Leave being granted,

Mr. Cornett, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to which was referred bill No. 150, of the Senate, entitled, " A bill to extend the time of holding the circuit court in the county of Ripley, and to change the times of holding the same in the counties of Jennings, Jefferson, Switzerland, and Dearborn," have had the same under consideration, and directed me to report the same back to the Senate, without amendment, and recommend its passage.

On motion of Mr. Cornett,

The rules were suspended, the said bill was read a third time, and passed.

The following bills and joint resolutions were read a third time and passed, to-wit :

No. 91. A joint resolution (of the House) relating to the United States Armory on the western waters ;

No. 52. A bill (of the House) relating to marks and brands.

No. 80. A bill (of the Senate) to abolish the office of county auditor in the county of Union, and for other purposes ;

Upon the passage of which,

The ayes and noes were demanded by Messrs. Berry and Leviston.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Carr of Lawrence, Cotton, Davis of Daviess, Dobson, Duzan, Farmer, Herriman, Hoover, Jones, Kennedy, Leviston, Major, Miller, Morgan, Parks, Pennington, Read, Shanks, Sinclear, Tannehill, Walpole, Wilber, and Wood—26.



*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Burke, Carr of Jackson, Chapman, Cornett, Davis of Floyd, Defrees, Hodge, Mitchell, Moore, Orth, Pitcher, Reeve, Reyburn, Ritchey, Sands, Stanford, and Todd—19.

No. 51. A bill (of the Senate) providing for the location of a state road in Randolph and Jay counties ;

No. 61. A bill (of the Senate) to amend an act entitled, " An act to amend an act entitled, ' an act supplemental to an act subjecting real and personal property to execution,' approved Jan. 8th, 1842," approved February 11th, 1843 ;

No. 67. A bill (of the Senate) to establish a state road in Miami county ;

No. 71. A bill (of the Senate) to amend an act entitled, " An act to organize the militia of Indiana," approved February 10th, 1841, and to revive and amend the laws authorizing the formation of companies of independent militia by voluntary enlistment ;

Upon the passage of which,

The ayes and noes were demanded by Messrs. Mitchell and Herri-  
man.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Duzan, Farmer, Herriman, Hodge, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Parks, Pitcher, Read, Reeve, Reyburn, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, and Wood—35.

*Those who voted in the negative are,*

Messrs. Bradley, Cotton, Hoover, Pennington, Ritchey, Walpole, and Wilber—9.

No. 289. A bill (of the House) in relation to road tax in the town of Laporte ;

No. 106. A bill (of the House) for the encouragement of domestic manufactures :

No. 37. A bill (of the House) to amend an act entitled, " An act providing for the incorporation of towns ;

No. 117. A bill (of the House) correcting a discrepancy in the estray law ;

No. 54. A bill (of the House) to declare the Mississinewa river a public highway.

*Ordered,* That the House of Representatives be informed of the passage of said bills and joint resolutions, and their concurrence therein requested.

No. 93. A bill (of the Senate) to appropriate the bank tax school fund to the inhabitants of the several counties in this State,

Was read a second time ; whereupon,

Mr. Chapman moved to commit to the committee on education, with instructions to so amend it as to provide for loaning the principal and distributing the interest, as other school funds are loaned and distributed ;

Which motion did not prevail.

On motion of Mr. Wilber,

The rules were suspended, the bill was read a third time ;

And the question being,

Shall the bill pass ?

The ayes and noes were demanded by Messrs. Herriman and Kennedy.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Duzan, Ewing, Farmer, Herriman, Hodge, Hoover, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Orth, Parks, Pitcher, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—43.

*In the negative,*

Mr. Pennington—1.

So the said bill passed.

No. 94. A bill (of the Senate) authorizing and directing supervisors of public roads and highways to make their returns to the board of commissioners of their respective counties at the June term thereof,

Was read a second time, and,

On motion of Mr. Herriman,

The rules were suspended, the bill was read a third time, and passed.

No. 96. A bill (of the Senate) to authorize the issuing of a patent for a part of a lot of canal land ;

Read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof, and their concurrence therein requested.

No. 98. A bill (of the Senate) to reduce the fees of the several clerks of the probate courts of this State,

Was read a second time ; whereupon,

Mr. Parks moved to lay it upon the table.

The ayes and noes were demanded by Messrs. Davis of Daviess and Parks.

*Those who voted in the affirmative are,*

Messrs. Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Defrees, Herriman, Hoover, Jones, Mitchell, Moore, Morgan, Orth, Parks, Pitcher, Reeve, Reyburn, Ritchey, Shanks, Stanford, Tannehill, and Wood—24.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Buell of Warren, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Farmer, Hodge, Kennedy, Leviston, Major, Miller, Pennington, Read, Sands, Sinclear, Todd, Walpole, and Wilber—21.

So said bill was laid upon the table.

No. 99. A bill (of the Senate) to amend an act entitled, "An act to provide for opening and repairing roads and highways in the counties of Gibson and Pike," approved January 31st, 1842;

No. 100. A bill (of the Senate) to legalize the election of probate [judge] in the county of Boone;

No. 101. A bill (of the Senate) to amend the 15th chapter of the Revised Statutes, and repeal the 83d and 98th sections of the same;

No. 104. A bill (of the Senate) to repeal an act therein named;

No. 107. A bill (of the Senate) to authorize the circuit court of Gibson county to grant a divorce in a certain case therein named;

No. 108. A bill (of the Senate) to amend an act entitled, "An act providing for the summoning and empannelling jurors in the counties of Sullivan, Grant, Franklin, Floyd, and Union," approved January 23d, 1843;

No. 114. A bill (of the Senate) to legalize the marriage of Oliver W. Sanger and Catharine his wife;

No. 115. A bill (of the Senate) for the relief of Abraham Perkins of Daviess county;

No. 118. A bill (of the Senate) to legalize the proceedings of the board doing county business in the county of Gibson;

No. 123. A bill (of the Senate) for the relief of Ann Frankboner, executrix of Robert McCormack, deceased;

No. 125. A bill (of the Senate) to legalize the assignment of the certificate of the school commissioner of Marshall county to certain land by him sold to Matthew Hall;

No. 126. A bill (of the Senate) to vacate the town of Northampton in the county of Harrison;

No. 127. A bill (of the Senate) to vacate a certain alley in the city of Lafayette;

No. 128. A bill (of the Senate) to extend the provisions of an act therein named to Delaware county;

No. 129. A bill (of the Senate) to change the mode of selecting petit jurors in the county of Lawrence, and for other purposes;

No. 131. A bill (of the Senate) to incorporate the "Lafayette Blues," in Tippecanoe county, Indiana ;

No. 133. A joint resolution (of the Senate) in relation to the completion of the Wabash and Ohio canal ;

No. 146. A bill (of the Senate) to provide for a special session of the circuit court of the county of Jefferson ;

No. 113. A bill to amend an act to authorize the commissioners of certain counties therein named to equalize the appraisement of real estate in said counties ;

No. 284. A bill (of the House) to locate a state road on the line between the counties of Lagrange, Steuben, Noble, and DeKalb ;

No. 282. A bill (of House) regulating the road law in the county of Warrick ;

No. 276. A bill (of the House) declaring a misprint in the Revised Statutes of 1843.

The foregoing bills and joint resolutions, from No. 99 to No. 276, both inclusive, were severally read the second and third times, the rules being suspended for that purpose, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bills and joint resolutions, and their concurrence therein requested.

On motion of Mr. Pennington,

*Resolved*, That the Secretaries be authorized to employ such assistants as may be necessary.

No. 102. A bill (of the Senate) to amend the 34th section of chapter 7 of the Revised Statutes ;

Read a second time and ordered to a third reading.

No. 103. A bill (of the Senate) abolishing the fee for issuing patents to purchasers of Wabash and Erie canal lands,

Was read a second and third times, the rules being suspended ; and

Upon its passage,

The ayes and noes were demanded by Messrs. Herriman and Chapman.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Carr of Jackson, Carr of Lawrence, Chapman, Defrees, Dobson, Duzan, Herriman, Hoover, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Pennington, Read, Reyburn, Ritchey, Sands, Shanks, Sinclear, Tannehill, Todd, Wilber, and Wood—30.

*Those who voted in the negative are,*

Messrs. Cotton, Davis of Daviess, Ewing, Hodge, Moore, Morgan, Pitcher, Stanford, and Walpole—9.

So said bill passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 106. A bill (of the Senate) to repeal a certain act therein named,

Was read a second time, and,

On motion of Mr. Davis of Daviess,

Referred to a select committee.

*Ordered*, That Messrs. Davis of Daviess, Pitcher, and Stanford constitute said committee.

No. 110. A bill (of the Senate) in relation to the boundaries of Knox county,

Was read a second time ; whereupon,

Mr. Akin moved to recommit it to the same committee to which it had been previously referred.

The ayes and noes were demanded by Messrs. Akin and Ewing.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Herriman, Hoover, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Sinclear, Stanford, Tannehill, and Wood—22.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Hodge, Moore, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Shanks, Todd, and Walpole—22.

The Senate being equally divided,

The President voted in the affirmative.

So the bill was so committed.

On motion of Mr. Ewing,

Messrs. Defrees and Buell of Warren were added to said committee.

No. 113. A joint resolution (of the Senate) suspending the operations of a bill therein named,

Was read a second time ; and the question then being,

Shall it be engrossed ?

The ayes and noes were demanded by Messrs. Mitchell and Herriman.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Bradley, Burke, Carr of Lawrence, Cornett, Dobson, Herriman, Leviston, Mitchell, Parks, and Pennington—12.

*Those who voted in the negative are,*

Messrs. Alexander, Buell of Warren, Carr of Jackson, Chapman, Defrees, Duzan, Ewing, Farmer, Hodge, Hoover, Jones, Kennedy, Moore, Morgan Orth, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—27.

So said bill was not so ordered.

No. 117. A joint resolution (of the Senate) for the relief of certain persons therein named,

Was read a second time, and,

On motion of Mr. Dobson,

Laid upon the table.

No. 121. A bill (of the Senate) in relation to the boundary of Rush county,

Was read a second time, and,

On motion of Mr. Reeve,

Laid upon the table.

No. 124. A bill (of the Senate) supplemental to the 12th article of the 40th chapter of the Revised Code of 1843 ;

Read a second time and ordered to a third reading.

No. 138. A bill (of Senate) to provide for the better security of the seminary fund ;

Was read a second time, and,

On motion,

Referred to the committee on education.

No. 141. A bill (of Senate) defining the duties of the State Agent ;

Was read a first time and ordered to a third reading.

No. 144. A bill (of Senate) to repeal certain acts therein named ;

Was read a second time, and,

Mr. Herriman moved its indefinite postponement.

The ayes and noes being demanded by Messrs. Herriman and Reeve,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Bradley, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Defrees, Dobson, Duzan, Herriman, Hodge, Hoover, Jones, Kennedy, Miller, Mitchell, Moore, Orth, Parks, Pennington, Pitcher, Sands, Shanks, Sinclear, Tannehill, Todd, Walpole, Wilber, and Wood—29.

*Those who voted in the negative are,*

Messrs. Alexander, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Ewing, Farmer, Leviston, Major, Morgan, Read, Reeve, and Stanford—14.

So said bill was indefinitely postponed.

No. 145. A bill (of Senate) to amend the 16th chapter of the revised law relating to road tax ; was

Read a second time and ordered to a third reading.

No. 90. A bill (of H. R.) defining the duties of county auditors and treasurers in this State ; was

Read a second time, and,

On motion of Mr. Carr of Lawrence,  
Laid upon the table.

No. 259. A bill (of H. R.) to provide for the erection of a bridge across French Lick creek, in the county of Orange; was  
Read a second time, and,

On motion of Mr. Sands,  
Referred to a select committee.

*Ordered*, That Messrs. Sands, Moore, and Alexander, constitute said committee.

No. 290. A bill (of H. R.) incorporating the Delphi Water Works Company; was

Read a second time, whereupon,

Mr. Chapman moved to amend by striking out of the 7th section  
"and need not be specially pleaded; "

Which motion prevailed; and,

On motion of Mr. Major,

The rules were suspended, the bill was read the third time, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 272. A bill (of H. R.) vesting the duties of school commissioner in the county treasurer in certain counties; was

Read a second time, and, on motion, was amended by inserting in the proper place the counties of Posey and Union;

And thereupon,

On motion of Mr. Leviston,

The rules were suspended, the bill was read a third time, and passed.

No. 133. A bill (of H. R.) changing the application of water power at the St. Mary's aqueduct, on the Wabash and Erie Canal;

Which was read a second time, and,

Mr. Burke moved its reference to the committee on canals and internal improvements;

Which motion did not prevail.

On motion,

The rules were suspended, and the bill was read the third time.

The question then being, Shall it pass?

The ayes and noes being demanded by Messrs. Burke and Bradley,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Davis of Daviess, Defrees, Dobson, Duzan, Farmer, Herriman, Hoover, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Orth, Parks, Pitcher, Read, Reyburn, Ritchey, Sands, Shanks, Sinclear, Tannehill, Todd, Walpole, Wilber, and Wood—34.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Burke, Cotton, Davis of Floyd, Ewing, Hodge, Morgan, Pennington, Reeve, and Stanford—11.  
So said bill passed.

*Ordered*, That the House of Representatives be informed thereof.  
 No. 224. A bill (of H. R.) for the relief of justices of the peace;  
 Was read a second time, and,  
 Mr. Cornett moved to lay it upon the table;  
 Which motion did not prevail.  
 And thereupon, on motion, the rules were suspended, the bill was  
 read a third time and passed.  
 No. 297. A joint resolution (of H. R.) respecting the State Prison; was

Read a second time, whereupon,  
 Mr. Akin moved to amend by striking out the word "three" before the word "practical" and insert "one."

Mr. Ritchey moved to lay said joint resolution and pending amendment upon the table.

The ayes and noes being demanded by Messrs. Ritchey and Akin,

*Those who voted in the affirmative are,*

Messrs. Akin, Burke, Duzan, Ewing, Kennedy, Leviston, Morgan, Orth, Pennington, Reeve, Ritchey, Stanford, Tannehill, and Wood—15.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Farmer, Herriman, Hodge, Hoover, Major, Miller, Mitchell, Moore, Orth, Parks, Pitcher, Read, Reyburn, Sands, Shanks, Sinclear, Todd, and Walpole—30.

So the motion to lay upon the table did not prevail.

Mr. Buell of Warren moved its reference to the committee on the State Prison;

Which motion was negatived.

The question then recurred upon striking out, and the Senate decided in the negative.

Mr. Ewing moved to indefinitely postpone the joint resolution.

The ayes and noes were demanded by Messrs. Ewing and Farmer.

*Those who voted in the affirmative are,*

Messrs. Akin, Burke, Duzan, Ewing, Hodge, Kennedy, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Ritchey, Stanford, Walpole, and Wilber—15.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Da-



viess, Davis of Floyd, Defrees, Dobson, Farmer, Herriman, Hoover, Leviston, Major, Miller, Mitchell, Parks, Read, Sands, Shanks, Sinclair, Tannehill, and Todd—27.

So the joint resolution was not indefinitely postponed.

On motion,

The rules were suspended, the joint resolution was read a third time, and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Defrees introduced,

No. 157. A bill to transfer the books, papers, and vouchers, of the late commissioner of Michigan road office to the office of Auditor of State; which was

Read three several times, the rules being suspended, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Davis of Daviess, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred a bill of the Senate, No. 106, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Which bill was read the second and third times, the rules being suspended therefor, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Defrees moved the following resolution:

*Resolved*, That one thousand copies of each of the reports made by the majority and minority of the committee on elections to the Senate, at its present session, in relation to the contested seat of David Henry, be printed for the use of the Senate: Provided, the same can be printed and distributed on or before Saturday next.

Mr. Walpole moved to insert in the proper place "and the proceedings of the Senate had thereon."

Mr. Herriman moved to lay the resolution and amendment upon the table.

The ayes and noes being demanded by Messrs. Chapman and Defrees,

*Those who voted in the affirmative are,*

Messrs. Akin, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Stanford, and Tannehill—18.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Bradley, Buell of Warren, Burke, Chapman, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Jones, Kennedy, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Sinclear, Todd, Walpole, and Wood—27.

So the resolution and amendment were not laid upon the table.

The question then recurring upon the adoption of the amendment, The ayes and noes were demanded by Messrs. Walpole and Defrees.

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Chapman, Cornett, Cotton, Davis of Floyd, Defrees, Duzan, Ewing, Farmer, Hodge, Kennedy, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Sinclear, Stanford, Todd, and Walpole—26.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Dobson, Herriman, Hoover, Jones, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Tannehill, and Wood—19.

So said amendment prevailed.

Mr. Akin moved to strike out "one thousand" and insert "five hundred."

Which motion prevailed.

Mr. Carr of Lawrence moved to amend said resolution as follows: "The printing to be at the expense of those voting for the same."

Mr. Davis of Floyd moved to lay said amendment upon the table.

The ayes and noes being demanded by Messrs. Davis of Floyd and Carr of Lawrence,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Chapman, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Ewing, Hodge, Jones, Kennedy, Mitchell, Moore, Morgan, Orth, Pennington, Read, Reeve, Reyburn, Ritchey, Sands, Todd, Walpole, and Wood—28.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Duzan, Farmer, Herriman, Hoover, Leviston, Major, Miller, Parks, Shanks, Sinclear, and Tannehill—15.

So said amendment was laid upon the table.

Mr. Herriman offered the following amendment :

" Provided it does not cost over twenty-five dollars. "

Mr. Orth moved to lay said amendment upon the table.

The ayes and noes being demanded by Messrs. Herriman and Orth,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Chapman, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Ewing, Hodge, Kennedy, Mitchell, Moore, Morgan, Orth, Pennington, Read, Reeve, Reyburn, Sands, Sinclear, Todd, Walpole, and Wood—27.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Duzan, Herriman, Hoover, Jones, Leviston, Major, Miller, Parks, Pitcher, Ritchey, Shanks, and Tannehill—16.

So the said amendment was laid upon the table.

The question then recurred upon the adoption of the resolution.

The ayes and noes were demanded by Messrs. Defrees and Chapman.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Chapman, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Jones, Kennedy, Moore, Morgan, Orth, Pennington, Reeve, Reyburn, Sands, Sinclear, Todd, Walpole, and Wood—27.

*Those who voted in the negative are,*

Messrs. Carr of Jackson, Carr of Lawrence, Dobson, Duzan, Herriman, Hoover, Leviston, Major, Miller, Mitchell, Parks, Pitcher, Read, Ritchey, Shanks, Stanford, and Tannehill—17.

So the resolution was adopted.

The following message was received from His Excellency the Governor, by Mr. Kinder, his Private Secretary :

Mr. PRESIDENT :

I am instructed by His Excellency the Governor to inform the Senate that he did, on this day, approve and sign the following acts and joint resolutions :

No. 3. A joint resolution on the subject of improving the navigation of the Mississippi, Ohio, and Wabash rivers ;

No. 12. An act to correct the plat of the town of Enochsburgh, in Franklin county;

No. 33. An act for the relief of William P. Andrews, of the county of Rush.

Mr. Miller introduced,

No. 158. A bill to legalize the recording of the delinquent list of lands and town lots in the county of Gibson;

And, on his motion,

The rules were suspended, the bill was three times read, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

On motion of Mr. Akin,

The Senate adjourned.

#### THURSDAY MORNING, JAN. 11th, 1844.

The Senate assembled.

On motion of Mr. Read,

The reading of the Journal was dispensed with.

Mr. Carr of Lawrence from the committee on canals and internal improvements, made the following report :

**MR. PRESIDENT :**

The committee on canals and internal improvements, to which was referred a resolution of the Senate, relative to leasing water power on the Central Canal; also, a remonstrance on the same subject, have had the same under consideration, and directed me to report the accompanying bill, and recommend its passage.

No. 159. A bill relative to water power at and near the town of Indianapolis;

Read a first time and ordered to a second reading.

Mr. Davis of Daviess, from the committee on the affairs of the town of Indianapolis, made the following report :

**MR. PRESIDENT :**

The committee on the affairs of the town of Indianapolis, to which was referred the petition of sundry citizens of Marion county, asking the "Governor's Circle" to be vested in the town of Indianapolis,

have had that subject under consideration, and have directed me to report that it is inexpedient to legislate thereon.

Mr. Carr of Jackson, from the committee on the State Library, made the following report :

Mr. PRESIDENT :

The standing committee on the State Library have directed me to report the accompanying bill, amendatory of the 89th section of chapter 6, article 7, of the Revised Statutes of 1843, and respectfully recommend its passage.

No. 160. A bill to amend the 89th section of chapter 6, article 7, of the Revised Statutes of 1843 ;

On motion of Mr. Carr of Jackson,

The rules were suspended, and the said bill was read three several times, and passed.

Mr. Parks, from the committee on the State Bank, made the following report :

Mr. PRESIDENT :

The standing committee on the State Bank, to whom was referred a resolution in reference to so much of the Governor's message as relates to the State Bank ; also, a resolution including so much of the Governor's message as relates to the currency, have had the subject matter under consideration, and have directed me to report them back to the Senate and recommend that further legislation on the subject at present is inexpedient, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee accordingly discharged.

Mr. Parks, from the committee on agriculture, made the following report :

Mr. PRESIDENT :

The standing committee on agriculture, to whom was referred the petition of Joseph Sellers and other citizens of the county of Cass, praying that the act regulating the admission and practice of attorneys and counsellors at law, and to abolish the science of special pleading in courts of justice, have had those subjects under consideration, and have directed me to report, that the policy of departing from those ancient land-marks, which were established, from time to time, by the wisdom and experience of our ancestors, for the administration of justice, without the most thorough conviction that by so doing a practice less exceptionable, could, with entire certainty, be adopted, would, to say the least of it, be hazardous. There may be, and perhaps are, some objections growing out of the practice of special pleadings, but they, in the opinion of your committee, are oftener the result of inat-

tention to, and inexperience in, the science, by the practitioner, than in the science itself; and that the act above referred to, regulating the admission and practice of attorneys and counsellors at law, is a barrier interposed by the Legislature, in its wisdom, to prevent the evils complained of by the petitioners. With these views and opinions, and the shortness of time allowed your committee for the consideration of this momentous subject, they have directed me to report, that it is inexpedient, in the opinion of your committee, to legislate on the subject at present, and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the committee accordingly discharged.

Mr. Miller, from the committee on corporations, made the following report :

**Mr. PRESIDENT :**

The committee on corporations, to which was referred bill of the Senate No. 109, to incorporate the First Regular Baptist Church of Lafayette, have had the same under consideration, and directed me to report the same back, without amendment, and recommend its passage.

Which bill was read a third time and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Morgan, from a select committee, made the following report :

**Mr. PRESIDENT :**

The select committee to which was referred the petition of Joel Doolittle and others, praying the Legislature to grant a charter to construct a railroad from Millford, in Decatur county, to Columbus, in Bartholomew county, have had the same under consideration, and have directed me to report that the petition came to hand too late for the committee to report a bill, with a prospect that it would pass the present session of the General Assembly; they, therefore, ask to be discharged from the further consideration thereof.

Which report was concurred in and the committee accordingly discharged.

Mr. Orth, from the committee on corporations, made the following report :

**Mr. PRESIDENT :**

The committee on corporations, to whom was referred Senate bill No. 134, entitled, "A bill to incorporate the Lawrenceburgh and Indianapolis Turnpike Company," have had that subject under consideration, and directed me to report it back to the Senate and recommend its passage with the following amendments :

Insert in the first blank of section one—"John Glass, Elias Conwell, Miles Mendenhall, Samuel Gookins, and David Boardman."

In the second blank—"Willard Cobb, James B. Foley, Samuel Bryan, and E. W. Matison."

In the third blank—"Edward Toner, Joseph R. Paynter, Samuel Hamilton, W. H. Sleeth, Willard Doore, and Hugh Campbell."

In the fourth blank—"Thomas M. Smith, John H. Wright, James Blake, L. M. Vance, and George H. Dunn."

SEC. 2. Strike out "fifty," and insert "ten."

SEC. 5. Strike out "fifty," and insert "ten."

§ SEC. 27. Insert "twenty" before the word "five," in the first and seventh lines, and strike out the words "five dollars," and insert "one dollar."

And add,

"SEC. —. The stockholders shall be individually liable for all contracts made in their corporate capacity; and this act subject to be repealed, altered, or amended, whenever the public good may require it."

Mr. Morgan moved to except the last amendment in said report.

The ayes and noes being demanded by Messrs. ———,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Cornett, Defrees, Farmer, Hodge, Hoover, Leviston, Moore, Morgan, Orth, Read, Reeve, Rayburn, Sands, Shanks, Stanford, Tannehill, and Todd—22.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Lawrence, Davis of Daviess, Dobson, Duzan, Herriman, Jones, Kennedy, Major, Miller, Orth, Reyburn, Wilber, and Wood—15.

So said report was concurred in, excepting said last amendment.

Mr. Berry, from the same committee, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill No. 112, of the Senate, entitled, "A bill to incorporate the Lafayette and White River Turnpike Company," have had that subject under consideration, and instructed me to report the same back, with the following amendments, and recommend its passage:

(No. 1.) In section 9, strike out all after the word "thereof," in the fifth line.

(No. 2.) SEC. 12. Strike out all between the words "valuable" and "they," in the second and fourth lines of second page of said section.

(No. 3.) SEC. 13. Strike out the whole section.

Sec. 19. Strike out "twenty days," and insert "six months."

Sec. 22. Strike out in lines four and five the words "or along any other ground near said road each and."

Sec. 23. After the word "from," in first line, insert "mill on horseback."

Sec. 28. Strike out all after the word "times," and insert, "to alter, amend, or repeal this charter."

And add,

(No. 6.) Sec. —. Provided, that the stockholders in said company shall be individually liable for the payment of all debts by them contracted, in proportion to the amount of stock held by each individual member of the company.

Mr. Orth moved to except sections numbered 1, 2, 3, and 6, in said report.

The ayes and noes being demanded by Messrs. Hodge and Orth,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Hoover, Leviston, Major, Moore, Morgan, Orth, Pitcher, Reeve, Reyburn, Sands, Sinclear, Tannehill, Todd, and Wood—22.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Dobson, Duzan, Herriman, Jones, Kennedy, Miller, Parks, Read, Ritchey, Shanks, and Wilber—15.

So said motion to except prevailed.

The question then recurring upon concurring in the report,

The ayes and noes were demanded by Messrs. Miller and Dobson.

*Those who voted in the affirmative are,*

Messrs. Alexander, Buell of Warren, Burke, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Hoover, Leviston, Major, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Sinclear, Tannehill, Todd, and Wood—23.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Dobson, Duzan, Herriman, Kennedy, Miller, Parks, Read, Ritchey, and Shanks—14.

So said report was concurred in.

Mr. Berry moved the following amendment to the bill:

"Provided, the issue of scrip or evidence of debt shall not exceed the sum of four thousand dollars, and should the issue of scrip at any time exceed this amount, the stockholders shall be individually liable for its redemption."



The ayes and noes being demanded by Messrs. Ritchey and Orth,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Bradley, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Kennedy, Leviston, Major, Miller, Parks, Pennington, Pitcher, Read, Reeve, Reyburn, Ritchey, Shanks, Stanford, Tannehill, Wilber, and Wood—28.

*Those who voted in the negative are,*

Messrs. Alexander, Burke, Davis of Floyd, Defrees, Farmer, Hodge, Moore, Morgan, Orth, Sands, and Todd—11.

So said amendment prevailed.

Mr. Carr of Lawrence moved the following amendment :

“Strike out of said bill so much as authorizes the issuing of scrip.”

The ayes and noes were demanded by Messrs. Orth and Carr of Lawrence.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Daviess, Duzan, Kennedy, Miller, Mitchell, Read, Ritchey, Shanks, and Wilber—14.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Davis of Floyd, Defrees, Dobson, Ewing, Farmer, Herriman, Hodge, Hoover, Leviston, Major, Moore, Morgan Orth, Parks, Pennington, Pitcher, Reeve, Reyburn, Sands, Sinclear, Stanford, Tannehill, Todd, and Wood—28.

So said amendment did not prevail.

On motion of Mr. Orth,

The rules were suspended, and the bill read a third time.

And the question being,

Shall the bill pass ?

The ayes and noes were demanded by Messrs. Herriman and Orth.

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Davis of Floyd, Defrees, Ewing, Farmer, Herriman, Hodge, Hoover, Leviston, Major, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Sinclear, Stanford, Tannehill, Todd, and Wood—26.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Daviess, Dobson, Jones, Kennedy, Miller, Mitchell, Parks, Read, Ritchey, and Shanks—15.

So the bill passed.

Mr. Miller, from the committee on corporations, made the following report :

**Mr. PRESIDENT :**

The committee on corporations, to which was referred bill of the Senate No. 122, to incorporate the Muncietown and Grant County Turnpike Company, have, according to order, had the same under consideration, and directed me to report the same back, with one amendment, and recommend its passage.

Add after the 16th section :

SEC. 17. The members of the corporation shall be liable, in their individual capacity, in proportion to the amount of stock held by each, for all debts contracted during the time of their membership.

Upon concurring in said amendment,

The ayes and noes were demanded by Messrs. Hodge and Miller.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Dobson, Duzan, Herriman, Major, Miller, Mitchell, Parks, Ritchey, and Shanks—15.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Ewing, Farmer, Hodge, Hoover, Jones, Leviston, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Sinclair, Tannehill, Todd, and Wood—24.

So said amendment was not concurred in.

Leave being given,

Mr. Pennington presented the following report :

**Mr. PRESIDENT :**

The committee on education, to which was referred the petition of Joseph Chambers and others, of Edwardsport, Knox county, have had the same under consideration. The committee are of opinion that, under existing circumstances, the prayer of the petitioners ought not to be granted ; similar petitions which have been presented to the Senate during the present session having been uniformly rejected. I am,

therefore, directed to report, that the committee deem it inexpedient to legislate upon the subject matter of said petition.

Upon concurring in said report,

The ayes and noes were demanded by Messrs. Ewing and Pennington.

*Those who voted in the affirmative are,*

Messrs. Bradley, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Herriman, Hoover, Jones, Kennedy, Leviston, Miller, Mitchell, Pennington, Read, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—25.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Buell of Warren, Burke, Carr of Jackson, Dobson, Ewing, Farmer, Hodge, Major, Moore, Morgan, Parks, and Reyburn—15.

So said report was concurred in, and the committee discharged from the further consideration of the subject matter of said petition.

Mr. Tannehill, from a select committee, made the following report :

**Mr. PRESIDENT :**

The select committee to whom was referred a petition of sundry citizens of Bartholomew county, praying a relocation of a certain state road therein named, have had the same under consideration, and have instructed me to report the following bill, in accordance with the petition, and recommend its passage.

No. 161. A bill to relocate a state road in Bartholomew county ;

Which bill was read three several times, the rules being dispensed with, and passed.

*Ordered,* That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Farmer, from a select committee, made the following report :

**Mr. PRESIDENT :**

The select committee to which was referred a petition of sundry citizens of the seminary township in Monroe county, asking to have a law passed authorizing the auditor of said county to loan the school moneys of said township, as said funds are directed to be loaned by the 6th section of an act entitled "An act authorizing the sale of certain school lands therein named, and for other purposes, approved January 1st, 1838," have had that subject under consideration, and have directed me to report a bill in accordance with the prayer of the petitioners.

No. 162. A bill for the relief of the borrowers of school funds in township No. 8, in Monroe county.

The rules were dispensed with, and said bill was three several times read, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Davis of Daviess, from a select committee, made the following report:

Mr. PRESIDENT:

The select committee to which was referred the reports of the agent and commissioner of the New Albany and Vincennes turnpike road, have had that subject under consideration, and a majority have directed me to report the following bill:

No. 163. A bill amendatory to an act approved January 31st, 1843, entitled, "An act to reduce the tolls on the New Albany and Vincennes road;"

Read a first and second times, the rules being suspended; whereupon,

Mr. Davis of Floyd offered the following amendment:

"Sec. —. That from and after the passage of this act, the commissioner on the New Albany and Vincennes road may expend for repairs between New Albany and Paoli, any sum that may be absolutely necessary to keep said road in repair: Provided, however, the sum so expended shall not exceed the sum of one thousand dollars for any one year."

Which amendment was accepted by the chairman of the committee.

Mr. Ewing moved to strike out "one" and insert "two."

Which motion did not prevail.

On motion of Mr. Davis of Daviess,

The rules were suspended, the bill was read the third time, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Ewing, from a select committee, made the following report:

Mr. PRESIDENT:

A majority of the select committee to whom was recommitted 'A bill in relation to the boundaries of Knox county,' report the same back under a conviction that no change accomplished as the change in question was at our last session should be allowed to remain, more particularly when it is demonstrated that great dissatisfaction and wrong would ensue. It is not deemed necessary to recapitulate the facts; enough has been made known in Senate, and the majority have no hesitation in recommending the passage of the bill to restore to old Knox her long enjoyed boundaries.

No. 110. A bill in relation to the boundaries of the county of Knox;

Read a third time, whereupon,  
Mr. Akin moved its indefinite postponement.  
The ayes and noes were demanded by Messrs. Ewing and Akin,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Shanks, Sinclear, and Wood—20.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Defrees, Ewing, Farmer, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Tannehill, Todd, and Wilber—21.

So the bill was not indefinitely postponed.

The question then recurring,

Shall the bill pass?

The ayes and noes were demanded by Messrs. Akin and Ewing.

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Defrees, Ewing, Farmer, Hodge, Moore, Morgan, Orth, Pennington, Reeve, Reyburn, Sands, Stanford, Todd, and Wilber—21.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—23.

So the Senate disagreed to the passage of said bill.

Mr. Dobson, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to whom was referred a bill of the House, No. 257, to reduce the expenses of Brown and Owen counties, have had the same under consideration, and have directed me to report it back, with one amendment, and when so amended, to recommend its passage.

Which amendment was concurred in, and the bill read a third time, and passed.

*Ordered,* That the House of Representatives be informed thereof.  
Mr. Hodge, from a select committee, made the following report :

**Mr. President :**

The select committee to whom was referred the petition of Walter March and others, of Delaware county, praying for the passage of an act for the relief of Patrick Justice, of Delaware county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage :

No. 165. An act for the relief of Patrick Justice, of Delaware county.

On motion of Mr. Hodge,

The rules were dispensed with, and the said bill was read three several times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Dobson, from a select committee, made the following report :

**Mr. President :**

The select committee to whom was referred the petition of Samuel Dyar, have had the prayer of said petition under consideration, and have directed me to report the following bill :

No. 164. A bill to authorize Samuel Dyar to build a dam across White river ;

Read a second time, the rules being suspended, and,

On motion of Mr. Parks,

Referred to the committee on the judiciary.

The committee have also considered the petition of Sander and Slough, and have provided in the above bill a section in accordance with the prayer of said petition.

Mr. Wood, from a select committee, made the following report :

**Mr. President :**

The select committee to which was referred a petition of certain citizens of Randolph county, have directed me to report the following bill, and recommend its passage :

No. 166. A bill relating to road labor in the town of Spartansburgh, in Randolph county.

On motion of Mr. Wood,

The rules were suspended, said bill was read three times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Reyburn, from a select committee, made the following report :

**Mr. President :**

The select committee to whom was referred the petition of Stephen Steinbarger, praying for the passage of an act authorizing him

to erect a mill dam across the Mississinewa river, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 167. A bill to authorize Stephen Steinbarger to erect a mill dam across the Mississinewa river.

On motion of Mr. Reyburn,

The rules were suspended, and said bill was read three times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Jones, from a select committee, made the following report :

Mr. PRESIDENT :

A majority of the select committee to which was referred the memorial of Alexander McClelland, have had the same under consideration, and directed me to report the same back to the Senate, together with the within bill, and recommend its passage.

No. 168. A bill for the relief of Alexander McClelland ;

Read a first time and ordered to a second reading.

Mr. Leviston, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to which was referred the petitions of sundry citizens of the counties of Wayne and Union, on the subject of a turnpike road, have had the subject under consideration, and have directed me to report the following bill, in accordance with the prayer of the petitioners :

No. 169. A bill to incorporate the College Corner and Liberty Turnpike company, and the Liberty and Abington Turnpike Company.

On motion of Mr. Leviston,

The rules were suspended, the said bill was read three several times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Miller, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to whom was referred the petition of David P. Pitcher, and other citizens of the county of Dubois, have had the same under consideration, and directed me to report the following bill, and recommend its passage :

No. 172. A bill to provide for the election of a justice of the peace in the town of Ferdinand, in Dubois county.

On motion of Mr. Miller,

The rules were suspended, the said bill was read three times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Buell of Warren, from a select committee, made the following report:

Mr. PRESIDENT:

The select committee to which was referred the petition of sundry citizens of Warren county, in relation to the construction of a lateral canal, have had that subject under consideration, and directed me to report the following bill:

No. 170. A bill to provide for a lateral canal and locks, at Williamsport;

Read a first time and ordered to a second reading.

Mr. Wilber, from the minority of the select committee to whom had been referred the petition of Alexander McClelland, made the following report:

Mr. PRESIDENT:

The minority of the select committee to which was referred the petition of Alexander McClelland, ask leave to make the following report: The undersigned will admit that the said McClelland presents to the Senate a case of great grievance. That he has had to advance good funds in order to buy powder and other materials, in order to complete his contract on the Wabash and Erie canal. But notwithstanding the great hardship here represented, the undersigned cannot, with a due regard to the interest of the Wabash and Erie canal, and of the state of Indiana, consent, in any manner, to report a bill to pay any contractor in scrip, three dollars for one, the present value of said scrip, while the state is required to take the same at its face for tolls on said canal. The undersigned, therefore, taking this view of the matter, although a strong case is presented for relief, it is believed that it will open such a vast field for legislation on the same subject, that all the resources of the state would be inadequate to settle such claims, and will therefore recommend the rejection of the bill.

Mr. Wood moved to lay said report upon the table.

The ayes and noes being demanded by Messrs. Wilber and Wood,

*Those who voted in the affirmative are,*

Messrs. Berry, Davis of Floyd, Hoover, Jones, Leviston, Moore, Orth, and Reyburn—9.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cotton, Davis of Daviess, Dobson,



Duzan, Herriman, Hodge, Kennedy, Major, Miller, Mitchell, Morgan, Parks, Pennington, Pitcher, Reeve, Ritchey, Shanks, Sinclear, Stanford, Tannehill, Wilber, and Wood—29.

So said report was not laid upon the table.

Mr. Dobson, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to whom was referred the petition of Aaron Dyer Bull, have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

No. 171. A bill to change the name of Aaron Dyer Bull to that of Aaron Dyer ;

On motion of Mr. Berry,

The rules were suspended, said bill was read three several times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Orth, from the committee on corporations, made the following report :

Mr. PRESIDENT :

The committee on corporations, to whom was referred Senate bill No. 152, entitled, " A bill for the relief of the boatmen on the Wabash and Erie canal, and for the establishment of a medical infirmary," have had that subject under consideration, and directed me to report it back to the Senate and recommend its passage with amendments, to-wit :

Strike out all between the title and the first section of the bill ; and add,

SEC. — This act to be in force from and after its passage.

Which bill was read a third time and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Chapman offered the following resolution :

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed to the election of State Librarian on this day at two o'clock, P. M.

Mr. Mitchell offered the following amendment :

*A Joint Resolution relative to the appointment of certain State Officers.*

**WHEREAS**, the Revised Code provides for the election of a State Librarian and an Agent on the Indianapolis division of the Central canal, by a joint viva voce vote of the General Assembly of the State of Indiana, and as those offices become vacant during the present session, which has approached its close so nearly as to preclude the hope of effecting such election : Therefore,

*Resolved*, That the Governor of the State of Indiana shall appoint the above named officers, whose tenure of office shall be the same as if they had been elected as now prescribed by law.

*Resolved, further*, That all laws and parts of laws contravening the provisions of this joint resolution, be, and they are hereby repealed, and that this joint resolution take effect and be in force from and after its passage.

Which was,

On motion of Mr. Defrees,

Laid upon the table.

Mr. Carr of Jackson moved to commit the resolution to a select committee; with instructions to report a bill abolishing the office of State Librarian.

The ayes and noes were demanded by Messrs. Chapman and Carr of Lawrence.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Floyd, Farmer, Hoover, Major, Orth, Parks, Read, Reeve, Shanks, Stanford, and Tannehill—16.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Chapman, Cotton, Davis of Daviess, Defrees, Dobson, Duzan, Ewing, Herriman, Hodge, Jones, Kennedy, Miller, Mitchell, Moore, Pennington, Reyburn, Ritchey, Sands, Sinclear, Todd, Wilber, and Wood—27.

So the motion to commit did not prevail.

The question then recurring upon the adoption of the resolution,

The ayes and noes were demanded by Messrs. Herriman and Chapman.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Burke, Chapman, Cotton, Davis of Daviess, Dobson, Duzan, Farmer, Herriman, Hodge, Hoover, Jones, Kennedy, Leviston, Miller, Mitchell, Orth, Pennington, Pitcher, Reyburn, Ritchey, Sands, Sinclear, Tannehill, Todd, Wilber, and Wood—31.

*Those who voted in the negative are,*

Messrs. Carr of Jackson, Carr of Lawrence, Cornett, Davis of Floyd, Major, Moore, Morgan, Parks, Read, Reeve, and Stanford—11.

So the resolution was adopted.

*Ordered*, That the House of Representatives be informed of the adoption thereof.

Mr. Hodge offered the following resolution :

*Resolved*, That the depositions and all other evidence submitted to the Senate, in the case of the contested election of Senator from Switzerland county, be published with the reports of the committee on elections.

Mr. Carr of Lawrence moved to lay said resolution upon the table.

The ayes and noes being demanded by Messrs. Hodge and Carr of Lawrence,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Parks, Pitcher, Read, Ritchey, Shanks, Sinclear, Tannehill, and Wood—24.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Ewing, Farmer, Hodge, Moore, Morgan, Orth, Pennington, Reeve, Reyburn, Sands, Stanford, Todd, and Wilber—20.

So said resolution was laid upon the table.

On motion of Mr. Pitcher,

*Resolved*, That the Senate will, the House of Representatives concurring, proceed to the election of a commissioner of the Indianapolis Central canal, this day at half past two o'clock, P. M.

Mr. Reeve, from the committee on enrolled bills, made the following report :

Mr. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find the same correctly enrolled, to-wit :

No. 62. An act to repeal an act entitled, "An act to amend an act relating to public roads and highways, approved February 17th, 1838," approved January 29th, 1842 ;

No. 37. An act to repeal an act therein named.

Also, the following report :

Mr. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed bills and joint resolutions of the Senate, and find the same correctly enrolled, viz. :

No. 49. A joint resolution in relation to an appropriation on the National Road in Indiana ;

No. 39. A joint resolution requesting the Governor of Indiana to communicate with the Governor of the State New York, asking a

drawback on salt delivered at any point on the Wabash and Erie canal within the State of Indiana ;

No. 76. An act to establish an additional place of holding elections in Florida township in Parke county ;

No. 44. An act to authorize the board of commissioners of Lagrange county to sell certain real estate therein named ;

No. 25. An act in relation to the auditor of the county of Knox ;

No. 15. An act to change the name of George R. Selkregg and others ;

No. 57. An act authorizing the recorder of Lagrange county to perfect the records of said county ;

No. 42. An act to revive the first section of an act entitled, "An act authorizing the appointment of pilots at the falls of the Ohio in this State," approved February 8th, 1841.

Mr. Orth introduced,

No. 173. A joint resolution suspending a certain act therein named ; and,

On his motion,

The rules were suspended, and the said joint resolution was read three times, and passed.

Mr. Chapman introduced,

No. 174. A bill to enable forwarding and commission merchants to enforce liens ; and,

On his motion,

The rules were suspended, and the said bill was read three times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said joint resolution and bill, and their concurrence therein requested.

Mr. Reyburn introduced,

No. 175. A bill repealing all laws now in force, providing for a more uniform mode of doing township business in Miami county ;

Read a first time, and,

On motion of Mr. Reyburn,

The rules were suspended the bill read a second time, and

Referred to a select committee.

*Ordered*, That Messrs. Pitcher, Reyburn, and Orth constitute said committee.

Mr Davis of Daviess introduced,

No. 176. A bill making the certificates issued by the commissioner on the New Albany and Vincennes road receivable for state tax ;

Read a first time ; whereupon,

Mr. Miller moved its rejection.

The ayes and noes being demanded by Messrs. Davis of Daviess and Chapman,

*Those who voted in the affirmative are,*

Messrs. Alexander, Berry, Carr of Lawrence, Coinett, Duzan, Farmer, Hoover, Leviston, Major, Miller, Morgan, Parks, Pennington,

Pitcher, Read, Reeve, Ritchey, Stanford, Tannehill, Todd, and Wilber—21.

*Those who voted in the negative are,*

Messrs. Akin, Bradley, Buell of Warren, Carr of Jackson, Chapman, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Ewing, Herriman, Hodge, Jones, Kennedy, Mitchell, Moore, Orth, Reyburn, Sands, Shanks, Sinclear, and Wood—22.

So said bill was not rejected.

Mr. Stanford moved to amend said bill by striking out "state," and inserting "county."

The ayes and noes being demanded by Messrs. Davis of Daviess and Stanford,

*Those who voted in the affirmative are,*

Messrs. Alexander, Berry, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Duzan, Herriman, Hodge, Hoover, Kennedy, Leviston, Miller, Mitchell, Morgan, Orth, Parks, Pennington, Pitcher, Reeve, Ritchey, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—29.

*Those who voted in the negative are,*

Messrs. Akin, Bradley, Buell of Warren, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Ewing, Moore, Read, Reyburn, Sands, and Shanks—12.

So said amendment prevailed.

Mr. Ewing moved to except Knox county from the provisions of said bill.

The ayes and noes being demanded by Messrs. Ewing and Buell of Warren,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Dobson, Ewing, Hodge, Kennedy, Major, Moore, Pennington, Pitcher, Read, Reyburn, Sands, Shanks, Tannehill, Todd, and Wilber—24.

*Those who voted in the negative are,*

Messrs. Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Duzan, Herriman, Hoover, Leviston, Miller, Mitchell, Morgan, Orth, Parks, Reeve, Ritchey, Sinclear, Stanford, and Wood—18.

So Knox county was stricken out of said bill.

Mr. Miller moved the indefinite postponement of said bill.

The ayes and noes being demanded by Messrs. Ritchey and Pennington,

*Those who voted in the affirmative are,*

Messrs. Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Herriman, Hodge, Hoover, Kennedy, Leviston, Major, Miller, Parks, Pennington, Read, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, Wilber, and Wood—29.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Cornett, Ewing, Mitchell, Moore, Morgan, Orth, Reeve, Reyburn, and Sinclear—12.

So said bill was indefinitely postponed.

Mr. Wilber introduced,

No. 177. A bill to amend an act granting to the city of Madison and town of Lawrenceburgh a city charter ;

Read a first and second times, the rules being dispensed with, and referred to a select committee.

*Ordered,* That Messrs. Wilber, Buell of Warren, and Chapman constitute said committee.

Mr. Hodge introduced,

No. 178. A bill for the relief of the purchasers of school lands in Delaware and Randolph counties ;

Read a first and second times, the rules being suspended therefor ; and thereupon

Mr. Herriman moved the following amendment :

“ Insert the counties of Lagrange, Noble, Steuben, and DeKalb ; ”

Which amendment prevailed ; and,

On motion of Mr. Hodge,

The rules were further suspended, and the bill was read a third time, and passed.

Mr. Read introduced,

No. 179. A bill relative to the establishment of ferries.

On motion of Mr. Read,

The rules were suspended, the said bill was read three times, and passed

*Ordered,* That the House of Representatives be informed of the passage of said bills and their concurrence therein requested.

On motion,

The Senate adjourned.

1½ o'clock, P. M.

The Senate assembled.

Mr. Reeve introduced,

No. 180. A bill incorporating the Rushville and Shelbyville Railroad ;

Which was read the first and second times, the rules being suspended ; and referred to the committee on corporations.

Mr. Sands introduced,

No. 181. A bill to repeal certain acts therein named in relation to the seminary and library in the county of Crawford.

On motion of Mr. Sands,

The rules were dispensed with, the said bill was read three times, and passed.

Mr. Duzan introduced,

No. 182. A bill to appoint a commissioner to settle with the securities of Samuel Monroe, late school commissioner of Hamilton county ;

Which was read the first and second times, the rules being suspended, and referred to the committee on education.

Mr. Chapman introduced,

No. 183. A bill for the relief of John Houghton.

On motion of Mr. Chapman,

The rules were suspended, and said bill was read a second time ; whereupon,

Mr. Ewing moved to amend by striking out the word "state ;"

The ayes and noes being demanded by Messrs. Ewing and Buell of Warren,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Cornett, Cotton, Ewing, Hodge, Moore, Parks, Pitcher, Reeve, Reyburn, Sands, Stanford, and Tannehill—15.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Defrees, Dobson, Duzan, Farmer, Herriman, Hoover, Jones, Leviston, Major, Mitchell, Morgan Orth, Pennington, Ritchey, Shanks, Sinclear, Wilber, and Wood—24.

So said amendment did not prevail.

Mr. Ewing then moved to refer it to a select committee, with instructions to inquire into the facts alleged in the preamble, and into the justice and expediency of the enactment of said bill.

Mr. Mitchell moved a division of the question upon committing.

The ayes and noes were demanded by Messrs. Ewing and Mitchell.

*Those who voted in the affirmative are,*

Messrs. Bradley, Burke, Carr of Jackson, Cornett, Cotton, Ewing, Hodge, Miller, Moore, Reeve, Sands, Stanford, and Tannehill—13.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Buell of Warren, Carr of Lawrence, Chapman, Davis of Daviess, Defrees, Dobson, Duzan, Farmer, Herriman, Hoover, Jones, Kennedy, Leviston, Major, Mitchell, Morgan, Orth, Parks, Pennington, Pitcher, Reyburn, Ritchey, Shanks, Sinclear, Wilber, and Wood—29.

So the Senate refused the said reference.

Mr. Clapman moved a suspension of the rules for a third reading of the bill.

The ayes and noes were demanded by Messrs. Ewing and Buell of Warren.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Buell of Warren, Carr of Lawrence, Chapman, Davis of Daviess, Defrees, Dobson, Duzan, Farmer, Herriman, Hoover, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Morgan, Orth, Parks, Reyburn, Ritchey, Sinclear, Wilber, and Wood—28.

*Those who voted in the negative are,*

Messrs. Bradley, Carr of Jackson, Cornett, Cotton, Ewing, Hodge, Moore, Pennington, Pitcher, Reeve, Sands, Stanford, and Tannehill—13.

So the rules were suspended, and the bill was read a third time, and passed.

*Ordered,* That the House of Representatives be informed of the passage of said bills, and their concurrence therein requested.

Mr. Jones moved a reconsideration of the vote upon the passage of No. 152, a bill providing for the relief of boatmen on the Wabash and Erie canal, and for the establishment of a medical infirmary at Lafayette;

Which motion prevailed; and thereupon

He further moved its indefinite postponement;

Which motion was negatived.

Mr. Herriman moved a reconsideration of the vote upon the engrossment of said bill;

Which motion was also negatived.

Mr. Sinclear moved to amend the bill as follows:

Amend section four, line fourth, after the word "State," add the following: "And who are running canal boats to or from Lafayette."



Mr. Herriman moved to amend by striking out "twelve," and inserting "eighteen," before the word "years."

Both of which amendments were adopted by unanimous consent :  
And the bill was read a third time and passed.

Mr. Todd introduced,

No. 184. A bill in relation to the city of Indianapolis; and,  
On his motion,

The rules were suspended, and the bill was read a second time ;  
whereupon,

Mr. Bradley moved the following amendment :

"Provided, that the city authorities shall pay such damages as shall have accrued in the cutting of the ditches."

The ayes and noes being demanded by Messrs. Bradley and Walpole,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Ewing, Hoover, Jones, Leviston, Morgan, Read, Walpole, Wilber, and Wood—20.

*Those who voted in the negative are,*

Messrs. Burke, Dobson, Farmer, Herriman, Hodge, Kennedy, Major, Miller, Mitchell, Moore, Orth, Parks, Pennington, Pitcher, Reeve, Rayburn, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, and Todd—23.

So said amendment did not prevail.

Mr. Walpole offered the following amendment :

Insert in the proper place, "within the limits of the corporation ;"  
Which amendment was not adopted.

Mr. Walpole moved the following amendment :

"That the corporation shall be at the expense of erecting water-gates on said ditch at all places where any fences now cross the said ditch ;"

Which amendment prevailed ; and,

On motion of Mr. Todd,

The rules were suspended, the said bill was read a third time, and passed.

No. 102. A bill (of Senate) to amend the 34th section of chapter 7, of the Revised Statutes ;

Read a third time and passed.

No. 105. A bill (of Senate) giving authority to acknowledgments or proof of deeds and conveyances as therein named ;

Read a third time and passed.

No. 124. A bill (of Senate) supplemental to the 12th article of the 40th chapter of the Revised Code of 1843 ;

Read a third time and passed.

No. 130. A bill (of Senate) to amend an act to provide for the continuance of the construction of all or any of the public works of this State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer;

Read a third time and passed.

On motion of Mr. Ritchey,

The vote upon the passage of said bill was reconsidered; and thereupon,

Mr. Walpole moved to strike out of said bill the county of "Hancock."

Which motion prevailed.

And the question recurring upon its passage,

The Senate decided in the affirmative.

Ordered, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

The President laid before the Senate the following communication from the Public Printer:

INDIANAPOLIS, Jan. 10, 1844.

HON. JESSE D. BRIGHT,

*President of the Senate:*

SIR: A difference of opinion having arisen between the Public Printer and the Secretary of State, respecting the printing of the report of the Agent of State and the Governor's message, and also in regard to the folding of the regular House Journal and the documentary Journal, the undersigned would respectfully request the appointment of a committee, (to consist, in part, of Senators familiar with such matters,) to investigate the several points at issue, and to report upon them to the Senate.

I have the honor to be,

With great respect,

Your ob't servant,

JOHN DOWLING,

For Dowling & Cole, State Printers.

No. 141. A bill (of Senate) defining the duty of the State Agent;

Read a second time, whereupon,

Mr. Chapman offered the following amendment:

"Amend the bill so as to leave it discretionary with the Agent to sell for bonds or money."

Mr. Carr of Lawrence moved the following amendment to the amendment:

"Provided no bonds shall be so received only those for which the State of Indiana has received the consideration for which they were sold."

Mr. Dobson moved the following amendment to the amendment:  
 "Provided they can be identified."

All of which amendments were adopted, and the said bill was read a third time, and passed.

No. 145. A bill (of Senate) to amend the 16th chapter of the revised law relating to road tax;

Read a third time and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bills, and their concurrence therein requested.

No. 156. A bill (of Senate) for the relief of the citizens of those counties through which the Wabash and Erie Canal passes;

Read a second time, whereupon,

Mr. Chapman moved to strike out all of said bill except that part relating to the particular bridge;

Pending which,

On motion of Mr. Morgan,

The said bill was laid upon the table.

Leave being granted, Mr. Todd introduced,

No. 184. A joint resolution in relation to the purchase of water rotted hemp for the U. S. Navy;

And, on his motion,

The rules were suspended, the said joint resolution was read three several times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said joint resolution, and their concurrence therein requested.

The following message was received from the House of Representatives by Mr. Gorman, a member thereof:

Mr. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed engrossed bill thereof No. 218, entitled, "A bill in relation to the county auditor of Monroe county;"

In which the concurrence of the Senate is respectfully requested.

Which bill was read a first and second times, the rules being suspended, and,

On motion of Mr. Farmer,

Said bill was laid upon the table.

The following message was received from the House of Representatives by Mr. Gorman, a member:

Mr. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed engrossed bills thereof as follows, to-wit:

No. 148. A bill to amend an act to provide for the appointment of township assessors in certain counties therein named, and defining their duties in the counties of Owen, &c. ;

Also, A bill to provide for the loaning of the school funds in Vigo county ;

In which the concurrence of the Senate is respectfully requested.

The rules were suspended, and said bill was read three several times, and passed.

Upon the passage of

No. 48. A bill to amend an act to provide for the appointment of township assessors in certain counties therein named, and defining their duties in the counties of Owen, &c.,

The ayes and noes being demanded by Messrs. Stanford and Morgan,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Chapman, Davis of Daviess, Defrees, Dobson, Duzan, Herriman, Hoover, Major, Miller, Mitchell, Orth, Parks, Read, Shanks, Sinclear, Walpole, and Wood—18.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Floyd, Ewing, Farmer, Hodge, Kennedy, Moore, Morgan, Pennington, Pitcher, Reeve, Reyburn, Ritchey, Sands, Stanford, Tannehill, Todd, and Wilber—25.

So the Senate disagreed to the passage of said bill.

Mr. Todd moved a reconsideration of said vote.

Which motion prevailed.

On motion of Mr. Kennedy,

Shelby county was stricken out of said bill.

And the question being, Shall it pass?

The Senate decided in the affirmative.

*Ordered,* That the House of Representatives be informed of the passage of said bill, and their concurrence requested therein.

No. 44. A bill (of H. R.) to prevent the sale of lands mortgaged to the common school fund ; read twice, and,

On motion of Mr. Cornett,

Referred to the committee on education.

No. 24. A bill (of H. R.) to amend an act entitled, "An act to incorporate the Lawrenceburgh and Napoleon Turnpike Company," approved Feb. 18th, 1840 ;

Read a first time, and,

On motion of Mr. Morgan,

Said bill was rejected.

No. 126. A bill (of H. R.) regulating the tolls on the Wabash and Erie Canal.

On motion of Mr. Wilber,  
The rules were suspended, and said bill was twice read ; whereupon,

Mr. Wilber offered the following amendment :

Strike out the clause relative to increasing the tolls on the Wabash and Erie canal, and insert the following :

“ That the same amount of tolls as are now charged under the control of the Indiana and Ohio canal commissioners shall remain as now established, until such tolls shall be found burdensome, when it shall be the duty of said commissioners to adjust the same in an equitable manner ; and such tolls and water rents shall be received in part funds. ”

Mr. Dobson moved to amend the amendment by striking out “ part funds. ”

Mr. Orth moved to lay the bill and said amendment upon the table.

The ayes and noes being demanded by Messrs. Stanford and Parks,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Burke, Davis of Floyd, Herriman, Jones, Major, Mitchell, Moore, Orth, Reyburn, and Walpole—12.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Dobson, Duzan, Ewing, Farmer, Hodge, Hoover, Kennedy, Leviston, Miller, Morgan, Parks, Pennington, Pitcher, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—33.

So the motion to lay the bill and proposed amendment on the table was negatived.

Mr. Miller moved to lay the amendment upon the table.

The ayes and noes being demanded by Messrs. Morgan and Ritchey,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Farmer, Jones, Kennedy, Miller, Moore, Orth, Parks, Pitcher, Read, and Reeve—19.

*Those who voted in the negative are,*

Messrs. Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Duzan, Ewing, Herriman, Hodge, Hoover, Leviston, Major, Mitchell, Morgan, Pennington, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—24.

So the motion to lay the amendments upon the table was negatived.

Mr. Sinclear moved to lay Mr. Dobson's amendment to the amendment upon the table.

The ayes and noes being demanded by Messrs. Sinclear and Dobson,

*Those who voted in the affirmative are,*

Messrs. Alexander, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Duzan, Ewing, Farmer, Herriman, Hodge, Hoover, Kennedy, Leviston, Major, Mitchell, Morgan, Pennington, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Wilber, and Wood—27.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Bradley, Cotton, Davis of Daviess, Davis of Floyd, Dobson, Jones, Miller, Moore, Orth, Parks, Pitcher, Reyburn, Todd, and Walpole—16.

So said amendment was laid upon the table.

Mr. Bradley moved to amend the amendment as follows :

“ By making all the tolls received on the Madison and Indianapolis railroad payable into the State Treasury. ”

Mr. Sinclear moved to lay said amendment upon the table.

Which motion prevailed.

Mr. Ewing moved the following amendment :

“ Provided, however, that the scrip issued previous to the adoption of this bill shall be received as heretofore, and deemed to be good funds for the purpose of paying tolls. ”

Mr. Stanford moved to lay said amendment upon the table.

The ayes and noes being demanded by Messrs. Stanford and Berry,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Daviess, Davis of Floyd, Duzan, Herriman, Hodge, Hoover, Leviston, Mitchell, Morgan, Parks, Pennington, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Wilber, and Wood—27.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Cornett, Dobson, Ewing, Farmer, Jones, Major, Miller, Moore, Orth, Pitcher, Reyburn, Todd, and Walpole—16.

So said amendment was laid upon the table.

Mr. Bradley moved the following amendment:

"That all the scrip hereafter issued for the construction of the canal west of Lafayette shall bear six per cent. interest, and shall be receivable for all dues to the State for lands sold for the construction of the canal east of Lafayette."

Mr. Sinclear moved to lay said amendment upon the table.

The ayes and noes being demanded by Messrs. Bradley and Akin,

*Those who voted in the affirmative are,*

Messrs. Alexander, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Duzan, Ewing, Hodge, Hoover, Kennedy, Leviston, Major, Miller, Mitchell, Morgan, Orth, Parks, Pennington, Pitcher, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, Wilber, and Wood—32.

*Those who voted in the negative are,*

Messrs. Akin, Bradley, Buell of Warren, Burke, Davis of Daviess, Davis of Floyd, Dobson, Jones, Moore, and Walpole—10.

So said amendment was laid upon the table.

Mr. Akin moved the following amendment:

"Provided further, that scrip issued for canal lands west of Tippecanoe river shall draw six per cent. interest."

Mr. Morgan moved to lay said amendment upon the table.

Which motion prevailed.

Mr. Read moved the following amendment:

"After the 1st of August, 1844 ;"

Which amendment did not prevail.

Mr. Buell of Warren moved to commit it to a committee with the following instructions:

"To inquire what effect the passage of this bill will have on the prosecution of the work now under contract, and on the amount of tolls received."

Which,

On motion of Mr. Carr of Lawrence,

Was laid upon the table.

The question then recurring upon the adoption of Mr. Wilber's amendment,

The ayes and noes being demanded by Messrs. Dobson and Wilber,

*Those who voted in the affirmative are,*

Messrs. Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Duzan, Ewing, Herriman, Hodge, Hoover, Leviston, Major, Morgan, Pennington, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Wilber, and Wood—23.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Davis of Daviess, Davis of Floyd, Dobson, Jones, Miller, Moore, Parks, Pitcher, Reyburn, Todd, and Walpole—16.

So said amendment prevailed.

The question then being, Shall the amendment be engrossed ?

The ayes and noes were demanded by Messrs. Dobson and Miller,

*Those who voted in the affirmative are,*

Messrs. Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Duzan, Ewing, Herriman. Hodge, Hoover, Leviston, Major, Miller, Morgan, Pennington, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Wilber, and Wood—24.

*Those who voted in the negative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Davis of Daviess, Davis of Floyd, Dobson, Jones, Moore, Parks, Pitcher, Reyburn, Todd, and Walpole—15.

So said amendment was ordered to be engrossed.

On motion of Mr. Chapman,  
The Senate adjourned.

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FRIDAY MORNING, JAN. 12th, 1844.

The Senate assembled.

On motion of Mr. Parks,

The reading of the Journal was dispensed with.

Mr. Hoover presented the petition of John Haines and others, praying for the repeal of the valuation and appraisement laws; which was,

On motion of Mr. Burke,

Referred to the committee on the judiciary.

Mr. Sands presented the petition of James Fawcett and others, praying for the passage of a law for the relief of purchasers of saline and school lands; which,

On motion of Mr. Sands,  
Was laid upon the table.



Mr. Akin, from the committee on finance, made the following report:

**Mr. PRESIDENT :**

The committee on finance, to which was referred the petition of the securities of Wm. Johnson late collector of Sullivan county, have according to order had that subject under consideration, and have instructed me to report the following bill, and recommend its passage:

No. 185. A bill for the relief of the securities of Wm. Johnson, late collector of Sullivan county.

On motion of Mr. Akin,

The rules were suspended, and the said bill was read three several times, and passed.

*Ordered,* That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Leviston, from the same committee, made the following report:

**Mr. PRESIDENT :**

The committee on finance, to which was referred two several bills of the House, Nos. 29 and 82, on the subject of postponing the time for the payment of taxes, have had the subject matter under consideration, and inasmuch as the Senate has had that subject before it, and passed a bill with the same provisions, the committee have directed me to report said bills back to the Senate without amendment, and recommend that they be laid on the table.

Mr. Herriman moved to lay No. 82 upon the table.

Which motion prevailed; but

No. 29 in said report mentioned was read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof.

Mr. Pitcher, from the judiciary committee, made the following report:

**Mr. PRESIDENT :**

The judiciary committee, to whom was referred the resolution of the Senate, instructing the committee to inquire into the expediency of so amending the law relating to school commissioners as to provide for supplying vacancies occasioned by resignation, have had the same under consideration, and find that by the Revised Code of 1843, vacancies in that office, by whatsoever cause occasioned, are filled by appointment by the board of county commissioners, to continue until the next general election. (Rev. Code, 1843, page 119, section 160; same, page 120, section 163.) Your committee therefore ask to be discharged from the further consideration of the subject.

Which report was concurred in, and the committee accordingly discharged.

Mr. Pitcher, from the same committee, made the following report :

Mr. PRESIDENT :

The judiciary committee, to whom was referred the resolution of the Senate instructing them to inquire into the expediency of repealing the 12th section of the act regulating fees and salaries of officers, approved Feb. 7th, 1831, have had the same under consideration and directed me to report that, in the opinion of the committee, it would be dangerous to the rights of those against whom fees are charged, to repeal the said section. They therefore ask to be discharged from the further consideration of the subject.

Which report was concurred in, and the committee accordingly discharged.

Mr. Pitcher, from the same committee, made the following report :

Mr. PRESIDENT :

The judiciary committee, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of providing by law for the Bank to collect ten per cent. per annum of her suspended debt, have had the same under consideration, and directed me to report that it is inexpedient to legislate upon the subject at this time.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

I have been directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills, and joint resolution of the Senate, without amendment, to-wit :

No. 189. An act in relation to the boundary line between the counties of Clark and Floyd ;

No. 106. An act to repeal a certain act therein named ;

No. 178. An act for the relief of the purchasers of school lands in Delaware, Randolph, Lagrange, Noble, Steuben, and De Kalb counties ;

No. 179. An act relative to the establishment of ferries ;

No. 183. An act for the relief of John Houghton, of Marshall county ;

No. 181. An act to repeal certain acts therein named in relation to the seminary and library in the county of Crawford ;

No. 185. A joint resolution in relation to the purchase of water rotted hemp for the U. S. Navy ;

The following message was received from His Excellency the Governor, by Mr. Kinder, his Private Secretary :

Mr. PRESIDENT :

I am instructed by His Excellency the Governor to inform the Senate that he did, on this day, approve and sign the following acts and joint resolutions :

No. 57. An act authorizing the recorder of Lagrange county to perfect the records of Lagrange county ;

No. 15. An act to change the name of George R. Selkrigg and others ;

No. 37. An act to repeal an act therein named ;

No. 42. An act to revive the first section of an act entitled "An act authorizing the appointment of pilots at the falls of the Ohio, in this State, approved Feb. 8th, 1841 ;

No. 49. A joint resolution in relation to an appropriation on the National Road in Indiana ;

No. 39. A joint resolution requesting the Governor of Indiana to communicate with the Governor of the State of New York, asking a drawback on salt delivered at any point on the Wabash and Erie Canal within the State of Indiana ;

No. 76. An act to establish an additional place of holding elections in Florida township, Parke county ;

No. 44. An act to authorize the board of commissioners of Lagrange county to sell certain real estate therein named ;

No. 62. An act to repeal an act entitled "An act to amend an act relating to public roads and highways, approved February 17th, 1838, approved January 29th, 1842 ;"

No. 25. An act in relation to the auditor of the county of Knox.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

I have been directed by the House of Representatives to inform the Senate that the House has passed engrossed bills and joint resolutions thereof, as follows :

No. 184. An act regulating the selecting of grand jurors in Randolph county ;

No. 173. An act for the relief of Melchoir Sooder and James Hayes, late of Dearborn county, deceased ;

No. 219. An act in relation to school district No. 5, in town 37 north, range 3 west, in Laporte county ;

No. 175. An act appointing commissioners to locate a State road from Portland, in Jay county, to Hartford, in Blackford county ;

No. 172. An act granting certain lands to the board of commissioners of Lake county for a burying ground ;

No. 103. An act for the relief of Samuel Rockafellow, in Franklin county ;

No. 76. An act to relocate a state road in Sullivan county ;

- No. 197. An act to give effect to an act therein named ;
- No. 128. An act to revive and amend an act to establish a board of trustees of the county library of the county of Marion ;
- No. 200. An act to extend the time of holding probate court in Dearborn county ;
- No. 269. An act to provide for a more efficient mode of expending the road tax in the several counties therein named ;
- No. 236. An act to change the name of Black Hawk to that of Mount Auburn ;
- No. 276. An act in relation to a state road in Monroe county, and for other purposes ;
- No. 191. An act to amend an act entitled, "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter ;
- No. 206. An act amending the criminal law ;
- No. 211. An act to provide for keeping in repair the turnpike road from Lafayette to Crawfordsville ;
- No. 19. An act to vacate a state road therein named ;
- No. 312. An act to legalize the proceedings of the trustees of the Wolf Creek Baptist Church ;
- No. 186. An act to change the name of Rachel Will ;
- No. 174. An act to amend the several acts now in force regulating the duties of school commissioner, county auditor, county treasurer, and county commissioners, in Marion county, and for other purposes ;
- No. 44. An act to prevent the sale of lands mortgaged to the common school fund ;
- No. 24. An act to amend an act entitled, "An act to incorporate the Lawrenceburgh and Napoleon Turnpike Company," approved February 18th, 1840 ;
- No. 126. An act regulating the tolls on the Wabash and Erie canal ;
- No. 56. An act concerning the moneys arising from the sales of estrays and property taken up adrift into the common school fund ;
- No. 96. An act to exempt certain lands in the counties of Randolph and Delaware from taxation ;
- No. 156. An act extending certain laws therein [ named ] to the county of Randolph ;
- No. 140. An act to legalize the acts of the school commissioner in Martin county ;
- No. 207. An act relative to overseers of the poor ;
- No. 231. An act to improve the navigation of Sugar creek ;
- No. 213. An act relative to a state road in Steuben county ;
- No. 216. An act for the relief of Thomas C. Stewart, of Pike county ;
- No. 112. An act to provide for a more uniform mode of doing township business in the county of Hamilton ;
- No. 105. An act to amend an act entitled, "An act relating to the seminary fund in Cass county," approved February 11th, 1843 ;

No. 139. An act to amend an act entitled, "An act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis Railroad Company ;

No. 124. An act to apply the saline fund to common school purposes ;

No. 111. An act to repeal an act therein named ;

No. 238. An act to raise a revenue for State purposes, and to redeem Treasury Notes :

No. 205. An act for the relief of John Law, Lucius H. Scott, and the heirs of James B. McCall ;

No. 180. An act abolishing the office of county auditor in certain counties therein named ;

No. 161. An act to legalize the records of roads and highways in the county of Clay ;

No. 181. An act regulating the election of school trustees in the counties of Allen, DeKalb, and Steuben ;

No. 217. An act to change the mode of selecting petit jurors in Blackford county ;

No. 135. An act to suspend the further issue of five dollar Treasury Notes in lieu of fifties ;

No. 239. An act to locate a state road in Posey county ;

No. 240. An act to repeal road law in Posey county ;

No. 243. An act in relation to road tax in the county of Elkhart ;

No. 293. An act regulating the fees of auditor in the county of Randolph ;

No. 244. An act declaratory of the law in a special case in Fayette county ;

No. 253. An act to vacate the town of West Point, in Lake county ;

No. 228. An act to incorporate the Terre Haute Draw-Bridge Company ;

No. 265. An act relative to the road law in Posey county ;

No. 247. An act for the relief of William Townsend, of Clay county ;

No. 241. An act declaring Buck creek a navigable highway ;

No. 147. An act to reduce the salary of the clerk of the State Prison ;

No. 226. An act to amend an act entitled, "An act to establish and regulate ferries," approved February 10th, 1831 ;

No. 242. An act for the relief of Samuel W. Sprott, against an unjust prosecution in the county of DeKalb ;

No. 225. An act to change the mode of selecting seminary trustees in the county of Lawrence, and for other purposes ;

No. 57. An act for the relief of John Sankey, of Vigo county ;

No. 195. An act to improve the breed of sheep ;

No. 146. An act appointing the board of county commissioners of Carroll county, the seminary trustees of said county seminary ;

No. 152. An act extending the provisions of a certain [act] therein named to the county of Spencer :

No. 160. An act to limit the trustees of Evansville to a certain tax, &c.;

No. 145. An act relative to the practice in the circuit court;

No. 154. An act for the better regulation of the county board of Warrick county;

No. 208. An act to legalize the acts of the school commissioners of Benton county;

No. 292. An act to vacate a part of a state road in Putnam county;

No. 213. An act to authorize Job Meredith to build a mill dam across Tippecanoe river;

No. 214. An act for the relief of the heirs of George Bishop, late of the county of Jay, deceased;

No. 31. An act to locate a state road in the county of Daviess;

No. 296. An act to provide for the election of supervisors of roads by road districts, in Boone county;

No. 277. An act for the relief of David D. Weddle, of Brown county;

No. 202. An act in relation to tavern license in Carroll county;

No. 188. An act concerning grand and petit jurors in the counties of Crawford and Perry;

No. 183. An act providing for a school tax in the counties of Adams and Jay;

No. 185. An act authorizing the location of a state road in the county of Allen;

No. 132. An act to amend an act entitled, "An act to incorporate the Logansport and Wabash Bridge Company;"

No. 79. An act authorizing the school commissioner of Vanderburgh county to refund certain moneys;

No. 192. An act to amend an act entitled, "An act to incorporate the Vevay and Napoleon and other turnpike companies," approved February 8th, 1836;

No. 179. An act to provide for the relinquishing of saline lands in the county of Orange;

No. 221. An act supplemental and amendatory to an act entitled, "An act to provide for the reduction of the state and individual stock in the State Bank, and for other purposes," approved February 2d, 1843;

No. 15. A joint resolution on the subject of the Oregon Territory;

No. 318. A joint resolution on the subject of the French Lick, in the county of Orange;

No. 176. A joint resolution relative to granting lands for common school purposes;

No. 59. A joint resolution on the subject of reducing the salaries and pay of officers of the general government;

No. 151. A joint resolution requesting Congress to donate public lands for common school purposes;

No. 1. A joint resolution on the subject of the Cumberland road ;  
In which the concurrence of the Senate is respectfully requested.

The House has also passed engrossed bills of the Senate of the following titles, to-wit :

No. 8. An act to incorporate the University of Notre Dame du Lac (with one amendment) ;

No. 29. An act to amend an act allowing and regulating the writ of ad quod damnum, approved December 20th, 1823, approved January 29th, 1842 (with one amendment) ;

No. 14. An act to provide for summoning grand and petit jurors in Decatur county (with one amendment) ;

No. 32. An act to vacate the western addition to the town of Palmyra in the county of Harrison (with one amendment) ;

No. 9. An act to incorporate the Brothers of St. Joseph, at South Bend, St. Joseph county, Indiana (with one amendment) ;

No. 18. An act for the relief of purchasers of school lands (with one amendment) ;

No. 21. An act in relation to the sale of lands and town lots for delinquent taxes (with one amendment) ;

No. 24. An act to locate a state road in the county of Lawrence (with one amendment) ;

In which the concurrence of the Senate is respectfully requested.

The House has also passed the following engrossed bills of the Senate, without amendment, to-wit :

No. 62. An act to repeal an act entitled, "An act relating to public roads and highways," approved February 17th, 1838, approved January 29th, 1842 ;

No. 64. An act regulating the granting of licenses in the counties of Adams, Allen, Huntington, and Wells ;

No. 76. An act creating an additional place of holding elections in Florida township, Parke county ;

No. 42. An act to revive the first section of an act entitled, "An act to amend an act authorizing the appointment of pilots at the falls of the Ohio, in this State," approved February 8th, 1841 ;

No. 44. An act to authorize the board of commissioners of Lagrange county to sell certain real estate therein named ;

No. 15. An act to change the name of George R. Selkregg and others ;

No. 25. An act in relation to the auditor of Knox county ;

No. 37. An act to repeal an act therein named ;

No. 57. An act authorizing the recorder of Lagrange county to perfect the records of said county ;

No. 19. An act extending the jurisdiction of justices of the peace ;

No. 52. An act to prohibit the sale of spirituous liquors in the town of Greensboro', in Henry county ;

No. 56. An act for the relief of James Vawter, of Jefferson county ;

No. 53. An act to amend an act entitled, "An act for the relief of John Plasters, school commissioner of Miami county," approved February 2d, 1843;

No. 58. An act to locate a state road in Sullivan county;

No. 55. An act establishing an additional place of holding elections in Perry county.

The House has also passed the following joint resolutions of the Senate, without amendment:

No. 39. A joint resolution requesting the Governor of Indiana to communicate with the Governor of New York, asking a drawback on salt delivered at any point on the Wabash and Erie canal within the State of Indiana;

No. 49. A joint resolution in relation to an appropriation on the National Road in Indiana.

Mr. Herriman offered the following resolution:

*Resolved*, That after to-day no new business shall be introduced unless by the consent of two-thirds of the members of the Senate in attendance.

Mr. Chapman moved to lay said resolution upon the table;

Which motion did not prevail.

The question then recurring upon the adoption of said resolution,

The Senate decided in the negative.

Mr. Cornett, from the committee on education, made the following report:

**Mr. PRESIDENT:**

The committee on education, to which was referred the petition of Thomas C. Johnson and others, of Owen county, after considering the same, have directed me to report the following bill (which it is believed will meet substantially the views of the petitioners) and recommend its passage.

No. 187. A bill to amend the 110th section of the 13th chapter of the Revised Statutes, approved February 11th, 1843.

On motion of Mr. Cornett,

The rules were suspended, the said bill was read a second and third times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Cornett, from the same committee, made the following report:

**Mr. PRESIDENT:**

The committee on education, to which was referred the petition of Aaron Peters and others, of Harrison county, praying the passage of a law to authorize purchasers of certain school lands in said county to relinquish portions of land by way of payment on certain other por-



tions, have had the same under consideration, and directed me to report that it is, in the opinion of the committee, inexpedient to legislate on that subject.

Mr. Carr of Lawrence, from the committee on education, made the following report :

Mr. PRESIDENT :

The committee on education, to which was referred the petition of the board of county commissioners in the county of Perry, have had the same under consideration, and have directed me to report the following bill and recommend its passage.

No. 188. A bill to authorize the board doing county business in the county of Perry to make settlement with John Elder, former surplus revenue agent of said county.

On motion of Mr. Carr of Lawrence,

The rules were suspended, and the said bill was read three several times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Stanford, from the committee on education, made the following report :

Mr. PRESIDENT :

The committee on education, to which was referred a bill for the relief of Peter Everhart, have had the same under consideration, and have directed me to report that, in their opinion, legislation on that subject would be inexpedient at this time, and would recommend that the bill be laid upon the table.

No. 102. A bill (of the House) for the relief of Peter Everhart.

The question recurring, Shall the report of the committee be concurred in ?

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Alexander, Cornett, Davis of Floyd, Defrees, Dobson, Duzan, Farmer, Herriman, Orth, Parks, Pennington, Pitcher, Reeve, Ritchey, Shanks, Sinclear, Stanford, and Wilber—18.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Cotton, Davis of Daviess, Ewing, Hodge, Hoover, Kennedy, Leviston, Major, Moore, Morgan, Read, Reyburn, Sands, Tannehill, Todd, and Wood—24.

So said report was not concurred in.

Mr. Ewing moved to commit the bill to a select committee, with instructions as follows :

"To amend the bill so as to grant such relief as equity and justice may demand, to the purchasers of school lands throughout the state."

Mr. Sands moved to amend said instructions so as to include saline lands ;

Which amendment prevailed.

Mr. Bradley moved to lay said bill and instructions upon the table.

The ayes and noes being demanded by Messrs. Ewing and Bradley,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Davis of Floyd, Defrees, Duzan, Heriman, Moore, Pitcher, Reeve, Ritchey, Shanks, and Stanford—12.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cotton, Davis of Daviess, Dobson, Ewing, Farmer, Hodge, Hoover, Kennedy, Leviston, Major, Miller, Morgan, Orth, Parks, Pennington, Read, Reyburn, Sands, Tannehill, Todd, Wilber, and Wood—29.

So the motion to lay on the table did not prevail.

The question then recurring upon committing,

The Senate decided in the affirmative.

*Ordered,* That Messrs. Ewing, Carr of Jackson, and Todd constitute said committee.

—Mr. Ritchey, from the committee on education, made the following report :

**Mr. PRESIDENT :**

The committee on education, to which was referred two communications from Dr. James Matthews, upon the subject of establishing a State Lunatic Asylum, have had the subject under consideration, and being instructed by the Senate to "report the probable expense of establishing an asylum, the time necessary to complete it, and all other matters thereto pertaining," have directed me to make the following report :

From the short time allowed the committee to investigate the subject, as well as the want of reports showing what such institutions have cost in other States, the committee have not the means of ascertaining precisely what an institution suited to accommodate such a number of lunatics as is shown to belong to the State, by the last census, would cost.

The estimate made by Mr. Smith, of New Albany, who was employed by His Excellency Governor Bigger is believed to be tolerably correct. He presented a plan for the construction of an asylum

after the model of the Worcester (Massachusetts) and Ohio asylums, calculated to accommodate one hundred and twenty insane persons, which, according to his computation, would require the expenditure of about thirty thousand dollars for the building of an asylum of such dimensions. Although the number of lunatics in the State is considerably over the number above mentioned, it is believed that an asylum of the size proposed in the plan sketched by Mr. Smith, would serve for the present, and would be of incalculable benefit to that unfortunate class for whose cure and comfort such an institution is desirable. As the State should be relieved of her embarrassments, as her resources become developed, and her treasury replenished, the building might be enlarged by the erection of wings, which would not only serve for the accommodation of a greater number of invalids, but add greatly to the beauty and elegance of the establishment.

But in addition to the cost of erecting a suitable building, it would be necessary to procure a tract of land of some sixty or eighty acres. The lot appropriated in the grant of land donated for an asylum in the city of Indianapolis, is believed to be too small to answer the purpose. This, however, might be subdivided into lots of the ordinary size, and disposed of on such terms as to render the cost of a tract of land of sufficient size, and removed from the noise and bustle of the city, a comparatively trifling consideration.

The asylums of our sister States have connected with them extensive farms, so as not only to afford room for gardens, walks, and recreation grounds, but also extensive fields, by the cultivation of which, by the labor of the lunatics themselves, the expenses of the establishment are greatly lessened, while it is found that exercise in the open field tends rapidly to the restoration of health and reason. It is believed, however, that the sum of thirty thousand dollars, with what might be realized from the sale of the lot set apart for a lunatic asylum, would be sufficient to procure a tract of land of sixty or eighty acres, not too remote from the city, and erect a building of the size proposed in the diagram of Mr. Smith.

In regard to the time which "would be necessary to complete an asylum," the committee presume it was intended by the instruction to inquire how long it would require to erect one, had the State in her possession the means and the funds necessary to undertake the prosecution of the work.

In answer to this, it is supposed that under the management of a shilful and energetic superintendent, with the funds at his disposal, a building of the size and description before mentioned, might be undertaken and made ready for the admission of lunatics, in two or three years from the commencement of the undertaking. Your committee, however, regret to say, that they fear a longer time will elapse before the funds can be raised, than would be requisite for the prosecution of a building to completion.

The first great object of those who feel the importance and necessity of the State's engaging in this noble, humane, and benevolent undertaking, should be to devise the ways and means necessary to enable

her to proceed with the work. The question, then, arises, How shall we obtain the funds? In answer to this, the committee, not knowing of any unappropriated fund belonging to the State, can devise no other plan than to levy a tax on the property of the State for that specific object. A tax of one cent on the hundred dollars, levied for three years, would raise the necessary amount; and who that knows that there are between two and three hundred insane persons confined in some loathsome cell, or roaming about at large, without food or raiment, and often in a state of entire nudity, beyond the reach or control of their friends or relatives, to suffer not only the tortures of a disordered mind, but the most severe bodily inflictions, would grudge to pay this trifling pittance? Who that knows that this horrible condition is susceptible of cure in ninety out of every hundred recent cases, would refuse to contribute his mite towards the raising of a fund for the establishment of a lunatic asylum? Who, that has a heart to feel for another's woes, and who knows that almost all of our sister States have engaged in this most humane and benevolent enterprise, and are actually returning to their families and to society, sound and in their right mind, 80 or 90 per cent. of those who had been deprived of *reason*, would propose to procrastinate this important matter any longer, and place our beloved State in the rear of all her sisters in those benevolent enterprises which characterize the present age?

Your committee cannot believe that the feelings of an enlightened and charitable public would revolt against so trifling a burthen for the accomplishment of an object so humane, so necessary, and so important; and recommend that the revenue bill of the House be amended so as to raise a tax of one cent on every hundred dollars of taxable property within the State, for the erection of a State Lunatic Asylum.

Which report was concurred in.

Mr. Chapman, from the committee on corporations, made the following report:

Mr. PRESIDENT:

The committee on corporations have directed me to report the following bill and recommend its passage:

No. 195. A bill to incorporate the St. Mary's Seminary, in the town of Indianapolis.

On motion of Mr. Chapman,

The rules were suspended, and said bill was read three times, and passed.

Mr. Berry, from the committee on roads, made the following report:

Mr. PRESIDENT:

The committee on roads, to whom was referred Senate bill No. 97, "A bill providing for the repair of roads in certain cases," have had

that subject under consideration, and directed me to report it back and recommend its passage.

On his motion,

The bill was ordered to be engrossed and read a third time ;

And the question recurring, Shall the bill pass ?

The Senate decided in the affirmative.

The following message was received from the House of Representatives, by Mr. Ferry, a member thereof:

**Mr. PRESIDENT :**

I have been directed by the House of Representatives to inform the Senate that the House has passed engrossed bills thereof, of the following titles :

No. 333. An act the better to improve the leading roads in the counties of Allen, DeKalb, Noble, Huntington, and Wells ;

No. 332. An act to locate a state road in the county of Allen ;

No. 187. An act giving further time to the assessor of Montgomery county ;

In which the concurrence of the Senate is respectfully requested.

Mr. Ewing, from the committee on federal relations, made the following report :

**Mr. PRESIDENT :**

The committee on federal relations, to whom was referred different passages of the message of His Excellency Governor Bigger at the opening of our present session, having witnessed the action had in the Senate upon questions involving precisely the same considerations, deem it inexpedient and unnecessary at present to introduce any bill, or to make any detailed report, merely to be placed upon the Journal, in relation thereto ; and your committee ask to be discharged from the same.

Which report was concurred in, and the committee accordingly discharged.

Mr. Sands, from a select committee, made the following report :

**Mr. PRESIDENT :**

The select committee to whom was referred bill of the House No. 259, a bill to provide for the erection of a bridge across French Lick creek, in the county of Orange, have had the same under consideration, and have made two amendments, in which they ask the concurrence of the Senate, and recommend its passage.

Which amendments were concurred in, and the said bill was read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof.

Message from the House of Representatives, by Mr. Ferry, a member thereof:

**Mr. PRESIDENT :**

The House of Representatives has passed engrossed bill thereof, to-wit:

No. 354. An act to reduce the expenses of the county of Carroll; In which I am directed to request the concurrence of the Senate. Which bill was read a first time and ordered to a second reading.

The following message was received from His Excellency the Governor, by Mr. Kinder, his private secretary:

**Mr. PRESIDENT :**

The committee on enrolled bills have this day presented to His Excellency the Governor, for his approval, the following enrolled bills:

No. 57. An act authorizing the recorder of Lagrange county to perfect the records of said county;

No. 25. An act in relation to the auditor of the county of Knox;

No. 62. An act to repeal an act entitled, "An act to amend an act relating to public roads and highways, approved February 17th, 1838," approved January 29th, 1842;

No. 44. An act to authorize the board of commissioners of Lagrange county to sell certain real estate therein named;

No. 76. An act to establish an additional place of holding elections in Florida township in Parke county;

No. 39. A joint resolution requesting the Governor of Indiana to communicate with the Governor of the State New York, asking a drawback on salt delivered at any point on the Wabash and Erie canal within the State of Indiana;

No. 49. A joint resolution in relation to an appropriation on the National Road in Indiana;

No. 42. An act to revive the first section of an act entitled, "An act to amend an act authorizing the appointment of pilots at the falls of the Ohio in this State," approved February 8th, 1841;

No. 37. An act to repeal an act therein named.

No. 15. An act to change the name of George R. Selkregg and others;

Mr. Reeve, from the committee on enrolled bills, made the following report:

**Mr. PRESIDENT :**

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find the same correctly enrolled, to-wit:

No. 64. An act regulating the granting of licenses in the counties of Adams, Allen, Huntington, and Wells;

No. 19. An act extending the jurisdiction of justices of the peace;

No. 54. An act to prohibit the sale of spirituous or fermented liquors in the town of Greensboro', in the county of Henry ;

No. 58. An act to locate a state road in Sullivan county ;

No. 55. An act establishing an additional place of holding elections in Perry county ;

No. 53. An act to amend an act entitled, "An act for the relief of the securities of John Plasters, school commissioner of Miami county," approved February 2d, 1843 ;

No. 56. An act for the relief of James Vawter, of Jefferson county.

Mr. Davis of Floyd introduced,

No. 189. A bill in relation to the boundary line between Clark and Floyd counties.

On motion of Mr. Davis of Floyd,

The rules were suspended, said bill was read three several times, and passed.

Mr. Orth introduced,

No. 190. A bill regulating the time of holding courts in the county of Tippecanoe.

On motion of Mr. Orth,

The rules were suspended, and the said bill was read three several times, and passed

*Ordered*, That the House of Representatives be informed of the passage of said bills and their concurrence therein requested.

Mr. Leviston introduced,

No. 191. A bill to change the mode of assessment in Union county :

Read a first time and ordered to a second reading.

Mr. Read introduced,

No. 192. A bill ;

Read a first and second times, the rules being dispensed with, and,

On motion,

Several counties were excepted from the provisions of said bill ;

And it was laid upon the table.

The President laid before the Senate the following communication :

HON. J. D. BRIGHT,

*President of the Senate :*

SIR: By an act of the Senate on the 29th of December last, it was resolved as follows, to-wit :

"That arrangements be made at the expense of the State to convey the body of the deceased [Stephen S. Collett,] to his family residence."

The undersigned deems it his duty to inform the honorable body over which you preside, that he has received payment for all the expenses contemplated by the foregoing resolution from Josephus Collett, the brother of the deceased.

JOSEPH I. STRETCHER.

Indianapolis, 12th January, 1844.

The President laid before the Senate the following communication from the Agent of State :

*The President of the Senate :*

In obedience to the resolution of 28th ult., I have the honor to reply as follows :

*1st Resolution.*

What number of suits are now pending in the courts east, in which the State of Indiana is interested, (if any)—in what courts—the names of the parties—their solvency, and what amount will probably be collected of each—what attorney has been employed for the State in each case, and at what compensation—and when and by whom the suits were respectively instituted.

The answer to this resolution is contained in the accompanying statement A.

Having no calendar of the cases, and being obliged, therefore, to state them from memory, I may have made some omissions. I think, however, that I have not. I do not know, and cannot state the time, when the suits were respectively instituted. The compensation of attorneys is in general regulated by law in the eastern States, and is not, as in this country, the subject of bargain beforehand. On this subject, I would refer to the report of my predecessor, made on a call of the House of Representatives in December, 1841. (See Senate and House Documents, 1841-42, page 508.) To this rule, counsel fees are, I believe, an exception.

*2d Resolution.*

How many trips the Agent of State has made east, on the business of the State, since the close of the last session—what time was consumed in each trip—the number of suits instituted the past year—against whom—for what sum—how many depositions the agent has taken, and in what cases, and whether he was necessarily present at the trial of any of the suits, and if so, what cases ?

*Answer.*

The first of January last, I went east and remained on the business of the State until May. I went again in October, and have been at home but four days since. Thus, making two trips in the last year.

The suits I have caused to be instituted in the past year are : against the Detroit and Pontiac Railroad Company ; against Moses Stoddard ; against the administrator of Hiram Pratt, deceased ; against the Bank of Commerce ; against Edson B. Olds ; against Perrills ; against George Bowne and others ; against Wm. L. Simms



and others; against Wyoming Coal Company; against Staten Island Bank, and against A. L. Downer. The sums for which these suits are instituted appear in statement A. How many depositions I have taken, I do not remember. I was engaged, however, some time in taking depositions in the case against Doct. Coe, against M. B. Sherwood and others, and of Wm. Willinek, jr., against the Morris Canal and Banking Company and the State. I attended several hearings of the case of the receivers of the Morris Canal and Banking Company against the Stanhope Iron Company, but I cannot say that my presence was absolutely necessary.

### *3d Resolution.*

What fees have been paid or are yet due to attorneys *resident* in this State, employed by said agent, in what suits, for what services, and to whom?

### *Answer.*

There has been paid to two attorneys of our own State, by the present agent, namely, to Hon. James Whitcomb, and James Morrison, a fee of \$500 each. To none others in this State have fees been promised or paid by the present agent, nor are any due. And as there has been some surprise manifested in relation to the payment of these fees, I will be indulged, I hope, while I submit the following explanation.

At the session of 1841-42, a most laborious investigation was had, by separate committees of the two Houses, into the actings and doings of the various individuals who had been connected with our system of internal improvements. The journal of the Senate's committee comprises 492 pages, and that of the House's 254, making 746 pages of matter. (See Senate and House Documents, 1841, 1842; Senate, pages 141 to 632; House, pages 215 to 468. The result of the investigation was a general determination, as far as practicable, to hold those officers, who were supposed in any wise to have transcended the limits of their authority, legally responsible; and to carry out this object, it was proposed to create the office of "State Attorney General," for one year, with a salary of \$3,000—\$2,000—\$1,500, for the purpose of investigating the subject more thoroughly, and instituting legal proceedings, where the interests of the State would seem to require it; and a bill actually passed the Senate establishing the office, with a salary of \$1,500 per annum. (See Senate Journal, 1841-42, page 576.) In the other House, this bill of the Senate gave place to another, (which was passed into a law,) throwing the contemplated duties of Attorney General on the Agent of State, with authority to employ additional counsel. It was not supposed, at the time of passing this law, that the Agent of State would perform all these duties in person. It would have been physically impossible for him to do it. His time, it was well understood, would

be mostly required in looking after our eastern affairs, having very little (if any) to be devoted to the examination of the subjects thus referred to him, and it was contemplated and expected that he would employ additional counsel to aid him in prosecuting the investigation. The debates on and history of the matter show this. In pursuance of what I supposed was expected from me, that I should employ assistant council, on entering upon my duties, I applied to Messrs. Whitcomb and Morrison to aid me in the examination of "the testimony taken by the investigating committees of the two Houses," and in bringing and prosecuting whatever suit or suits it should be thought advisable to institute. This "testimony" required not reading only, but to be studied and analyzed, and to be carefully compared with the various laws of the State, in reference to the particular matters under consideration. The bonds too of the various officers, with their acts, and how far their conduct had been subsequently ratified and approved, had to be examined. This examination, extending to each individual case, was both difficult and laborious. For their entire services, I paid to each of them a fee of \$500, whilst by one individual, against whom two suits were brought, much larger fees were promised for the single defence of those suits. Although but two suits have as yet been brought, the examination, nevertheless, cost as much labor, thought, and study, as if fifty ordinary suits had been instituted.

#### *4th Resolution.*

What steps has the agent taken the last year, for the collection of the judgment on John Carnahan, in the Marion circuit court—for the recovery of the six or seven thousand dollars due on the obligation of John Law and others, growing out of the construction of the canal at Evansville—and for the collection of money from Isaac Coe, on account of bonds sold by said Coe to parties in the East?

#### *Answer.*

As to the judgment against Carnahan, and the demand against Law and others, and other claims of that character, they are not, under the existing laws, I conceive, subject to my charge. The act of 28th January, 1842, creating the office of Agent of State, imposes upon that officer the *same* duties (with certain restrictions) that had been performed by the fund commissioner. It was no part of the fund commissioner's duty to attend to claims like these. That duty devolved on the internal improvement commissioner.

I can say, however, that on the judgment against Carnahan, nothing has been made, nor, so far as I am advised, is there a present prospect of making any thing. Against Law and others, the suit which had been brought before my term, is still pending. I recently learned from the attorney of the State, that the case was ready, and would probably be brought to a trial at the next term of the court.

As to Coe, two suits have been brought against him. One against him, individually, for money had and received to and for the use of the State; and the other, a special action of *assumpsit*, against him and the Morris Canal and Banking Company, as partners, on the purchase of the \$1,000,000 of Bank bonds. In April last, Doct. Coe and myself spent several days in New York, in taking depositions in these cases, and it was expected they would be brought to a trial at the last term of the court in this county. They were, however, continued until the next term. Of the probable results, it is not proper for me at present to speak.

#### *5th Resolution.*

What is the probable sum that will be received, during the coming year in money, from our eastern assets—stating the sum expected from each, and what will his salary, expenses, the rent of his office, fuel, stationary, and salary of said agent's secretary, amount to for the same period?

#### *Answer.*

There certainly will be received, I think, from

S. Draper, jr,	-	-	-	-	-	\$3,135 00
Rent of oil factory,	-	-	-	-	-	1,000 00
E. B. Olds, besides interest,	-	-	-	-	-	3,000 00
Baltimore and Ohio Railroad stock, (say 9 per cent. more,)	-	-	-	-	-	6,759 00
Dividends on Mississippi and Arkansas land stock, say	-	-	-	-	-	1,000 00
Moses Stoddard's mortgage of \$10,000, probably,	-	-	-	-	-	6,000 00
Messrs. Perrills' do do	-	-	-	-	-	12,000 00
Doct. Simers, doubtful,	-	-	-	-	-	8,000 00
Lord & Biddle, do	-	-	-	-	-	3,125 00
And if we succeed in the proposed compromise with the Dutch, we will further receive	-	-	-	-	-	60,000 00
The probability is, that during the coming year the oil factory may be sold, and that we may receive from that source	-	-	-	-	-	30,000 00

Besides the foregoing, some of the lots at Jersey City may be disposed of, and by possibility some other of our desperate debts may be collected or secured.

The salary of the agent this year will be	-	-	-	-	-	\$1,000 00
Expenses, say	-	-	-	-	-	1,200 00
Rent of office and fuel,	-	-	-	-	-	150 00
Stationary, say	-	-	-	-	-	50 00
Salary of secretary, say	-	-	-	-	-	400 00

*6th Resolution.*

Who is the agent sent to see the lands in Georgia—what compensation is to be given him—who has had the care or oversight of the mill property on said lands—how many saws are in operation—the probable value of the whole property—what is the value of the lots and lands in Florida and Mississippi—who acts as the agent for these lands—who are the agents of the companies of whom these lots and lands were received—have the agents of said land companies received money on sales of any of said lands or lots—if so, what sum, and to whom have they accounted—and has the agent made a personal examination of the lands in Georgia, in Florida, or in the State of Mississippi?

*Answer.*

O. S. Pitcher, Esq., of Madison, is the gentleman who has been sent out to Georgia to purchase in, for taxes, the lands mortgaged to us by the Georgia Lumber Company. He is to receive as a compensation the sum of \$100, besides travelling expenses. I should have gone upon this business in person, if it had not been that the sale was to take place at a time when, in consequence of the meeting of our own Legislature, my presence was needed at the capitol.

Being mortgagees, out of possession, of the lands in Georgia, we have had nothing to do with their care or oversight, or the care of the mills. I cannot, therefore, answer whether any, or if any, how many saws are in operation. Probably, however, from the general information I have on the subject, there are none. Of the value of the entire property, I can express no satisfactory opinion. Its principal value consists in its timber. The soil is in general dry, sandy, and barren. The timber is in general white pine, but situated so remotely from market as to detract very materially from its value. I fear we shall realize very little, at any time, from this security.

We own no lands in Mississippi. We have stock in the Apalachicola Land Company, and in the New York, Mississippi, and Arkansas Land Company. For a description of these stocks, and my opinion of their probable value, I refer to my manuscript report of last year. The agents for these lands are appointed by the directors or trustees of the respective companies; but who they are, I know not. The lands of each of these companies are in market, and sales are made whenever opportunity offers. The proceeds of sales, after defraying expenses, are divided among the stockholders, in proportion to their respective shares. From the New York, Mississippi, and Arkansas Land Company, I received dividends, during the last year, to the amount of \$880. The Apalachicola Land Company, for some time past, has declared no dividends. It has been prevented, I understand, by its involvements in litigation; from which, however, it is now, in a great degree, extricated. I have never examined

the lands in Georgia or Florida. I have perceived no occasion for doing so.

*7th Resolution.*

The supposed value of from three to five hundred thousand dollars to be derived from the eastern assets—what part will probably be received from real estate, and what part from the debts due—naming the sum expected from each source, whether from lands, lots, companies, or individuals.

*Answer.*

The Mississippi and Arkansas land stock is probably worth	-	-	-	-	\$30,000 00
Apalachicola land stock, say	-	-	-	-	100,000 00
Lots in Jersey City, say,	-	-	-	-	70,000 00
Lots in 12th ward, New York, (Bloomingdale,) say	-	-	-	-	15,000 00
Brooklyn oil factory, say	-	-	-	-	30,000 00
Lots in Buffalo, say	-	-	-	-	5,000 00
There is due and will probably be paid by Post and Brooks, for Stanhope property,	-	-	-	-	27,500 00
S. Draper, jr.,	-	-	-	-	4,687 50
Madison Bond Company,	-	-	-	-	14,000 00
M. Stapp and sureties,	-	-	-	-	27,175 72
M. Stoddard, say	-	-	-	-	6,000 00
E. B. Olds,	-	-	-	-	3,000 00
Messrs. Perrills', say	-	-	-	-	12,000 00

And there are many other minor claims, that may or may not be paid or secured. They are all adverted to, and fully described, in my reports of last year, or of this.

*8th Resolution.*

Of the "large amount" mentioned in his last year's report, and al-  
luded to in his late report, for which Gen. Milton Stapp is liable, the  
agent will please state what sum stands against him on his cash ac-  
count on the books of the office—what sum is due from him, if any  
thing, for Treasury Notes, mentioned in his report, as having been  
received from Sherwood, and what sum was used by said Stapp in  
the purchase of lands in Indiana from J. D. Beers?

*Answer.*

Whether any of the funds of the State were used by Gen. Stapp  
or not, in the purchase of the lands from J. D. Beers, was a question  
at issue between him and the State in the suit lately pending between  
them in the Marshall circuit court. The facts of this case, and my

own opinion on them, are given in my report of last year, page 48. The whole matter is now settled. The balance against Gen. Stapp on the books of my office was, the sum of - \$107,187 50  
 In June last, Gen. Stapp and myself came to a partial settlement. He claimed credits or off-sets to the amount of - 41,429 22  
 Which I believe to be just, and was willing to allow him; and he gave me notes with security for (besides interest) - 25,589 28  
67,018 50

Leaving unsettled the sum of - \$40,169 00

For which he claimed credits, but which I was not willing to allow.

During the present session of the Legislature, so much of my report of this year as relates to this subject, was referred in the House to a select committee of four, who, after an examination of the matter, came to the opinion that Gen. Stapp was entitled to the further credits which he claimed, so as to balance the accounts. In accordance with their opinion, the accounts have been balanced and closed.

I subjoin a copy of their report to the House.

#### 9th Resolution.

What per cent. has it cost the State to make collections of the suspended debt for the last two years?—has there been any fees or commissions charged for making collections of any part of the suspended debt, or for receiving or paying out the same?—if so, by whom, and to what amount?

#### Answer.

There has been no commissions, or fees in the form of commissions, charged or paid for collections, or paying out what has been collected of the suspended debt.

It has cost the State, for making collections of the suspended debt, for the last two years, less than 5 per cent. The amount collected is \$204,265. The amount paid, embracing salary and expenses of agent, attorney's fees, clerk hire, and all other expenses, is \$9,604 44.

#### 10th Resolution.

Also, the condition of the candle factory in Brooklyn, New York.

#### Answer.

I am not aware that in *its condition*, the candle factory has undergone any sensible change, since we became its owner, ordinary ware and tear, in legal parlance, only excepted.

## 11th Resolution.

And also report the cost of similar services for the last five years, giving each year separately.

*Answer.*

In reply to this resolution, I subjoin so much of my report, made on a special call, to the other House, at the present session, as relates to this subject. It is as follows :

"I have the honor to state, that up to February, 1841, there were always two, and most of the time three, commissioners engaged in the service, which now devolves on the Agent of State, whose expenses of clerk hire, lawyer's fees, and most other outlays, were joint, and jointly charged in a general account, so that there is no means of discriminating how much was paid by one or by another. This was not the case, however, in regard to their personal expenses, of which a distinct account was kept. The accompanying abstracts, A, B, C, D, and E, show, as near as practicable, the personal and general expenses of the commissioners, from 1st of January, 1836, to 1st of March, 1841, as follows, viz :

From 1st January, 1836, to 1st January, 1837 :

Travelling expenses,	-	-	\$1,511 19	
General expenses,	-	-	434 18	
			<hr/>	\$1,945 37

From 1st Jan., 1837, to 1st Jan., 1838 :

Travelling expenses,	-	-	\$1,516 36	
General expenses,	-	-	2,215 14	
			<hr/>	\$3,731 50

From 1st January, 1838, to 1st January, 1839 :

Travelling expenses,	-	-	\$2,042 00	
General expenses,	-	-	2,626 06	
			<hr/>	\$4,668 06

From 1st January, 1839, to 1st January, 1840 :

Travelling expenses;	-	-	\$1,971 36	
General expenses,	-	-	3,878 00	
			<hr/>	\$5,849 36

From 1st January, 1840, to 1st March, 1841 :

Travelling expenses,	-	-	\$681 00	
General expenses,	-	-	1,966 86	
			<hr/>	\$2,647 86

Since about 1st March, 1841, the service which had before been imposed on two or three, has been confined to the agency of a single individual, so that an accurate account can be furnished of all his expenses.

Hon. N. Noble was commissioner from 1st March, 1841, to 1st March, 1842. He entered upon the duties of his office, however, a few days before 1st March, 1841, so that he served a little over one year.

During his term, the personal expenses of himself, or of agents whom he found it necessary to employ, with the compensation to them for their services, exclusive of his own salary, amounted to the sum of	-	\$2,821 05
He expended in fees to attorneys,	-	3,928 04
Other incidental outlays,	-	2,110 31
		<hr/>
		\$8,859 40

All of which will appear by abstract F, hereto appended.

From 1st March, 1842, to the present time, being about one year and ten months, (I entered upon my duties during the last days of February,) I have had the honor to act as Agent of State. During that time, the personal expenses of myself, or of agents whom I have found it necessary to employ, with the compensation to them for their services, exclusive of my own salary, amounts to,	-	\$2,509 62
I have expended in fees to attorneys, who were employed by myself,	1,500 00	
And have paid to attorneys who were retained by my predecessor,	1,850 00	
	<hr/>	3,350 00
All my other incidental expenses,	-	1,344 10
		<hr/>
		\$7,203 72

Which will appear by abstract G, hereto appended.



A

A STATEMENT showing the amount of individual expenses, per diem compensation, and time of service of the fund commissioners of Indiana, together with the general expenses of the board, from 21st January, 1836, to 1st January, 1837.

<i>Names of Commissioners.</i>	<i>Time of service.</i>	<i>Per diem compensation.</i>	<i>Individual expenses.</i>	<i>Total.</i>
Jeremiah Sullivan,	-	\$444 00	\$361 00	\$813 00
same	111 days.	8 00	379 19 }	
Samuel Hannah,	-	492 00	48 50 }	973 69
same	123 "	54 00		
Isaac Coe,	-	956 00		1,716 50
same	239 "	38 00	722 50	
	19 "			
		\$1,992 00	\$1,511 19	\$3,503 19
		General expenses of the board,		- 434 18
				<u>\$3,937 37</u>

## B

*A STATEMENT of the amount of individual expenses, per diem compensation, time of service of the fund commissioners of Indiana, together with the general expenses of the board, from Jan. 1st, 1837, to Jan. 1st, 1838.*

<i>Names of Commissioners.</i>	<i>Time of service.</i>	<i>Per diem compensation.</i>	<i>Individual expenses.</i>	<i>Total.</i>
Jeremiah Sullivan,	22 days.	\$44 00	\$274 00	\$44 00
Samuel Hanna,	104 days.	208 00	415 86	482 00
22Caleb B. Smith,	107 days.	214 00	826 50	629 86
Isaac Coe,	350 days.	700 00		1,526 50
		\$1,166 00	\$1,516 36	\$2,682 36
		General expenses of the board,		- 2,215 14
		Total, . . .		\$4,897 50

**A STATEMENT of the amount of individual expenses, per diem compensation, and time of service of the fund commissioners of Indiana, together with the general expenses of the board, from Jan. 1st, 1838, to Jan. 1st, 1839.**

<i>Names of Commissioners.</i>	<i>Time of service.</i>	<i>Per diem compensation.</i>	<i>Individual expenses.</i>	<i>Total.</i>
Isaac Coe,	356 days.	\$712 00	\$1,080 00	\$1,792 00
Samuel Hanna,	53 days.	106 00	115 76	221 76
Caleb B. Smith,	160 days.	320 00	427 74	747 74
James Farrington,	136 days.	272 00	418 50	690 50
		\$1,410 00	\$2,042 00	\$3,452 00
		General expenses of the board,		2,626 06
		Total,	- - -	\$6,078 06

**D**

**A STATEMENT of the amount of individual expenses, per diem compensation, and time of service of the fund commissioners of Indiana, together with the general expenses of the board, from 1st Jan., 1839, to Jan. 1st, 1840.**

<i>Names of Commissioners.</i>	<i>Time of service.</i>	<i>Per diem compensation.</i>	<i>Individual expenses.</i>	<i>Total.</i>
Isaac Coe, - - -	141 days.	\$364 00	\$422 50	\$786 50
Caleb B. Smith, - - -	32 days.	64 00	60 25	124 25
James Farrington, - - -	69 days.	162 00	233 25	395 25
Lucius H. Scott, - - -	207 days.	621 00	548 00	1,164 00
Milton Stapp, - - -	197 days.	591 00	712 36	1,303 36
		\$1,802 00	\$1,971 36	\$3,773 36
		General expenses of the board,		- 3,878 00
		Total, . . .		\$7,651 36

## E

A STATEMENT of the amount of individual expenses, per diem compensation, and time of service, of the fund commissioners of Indiana, together with the general expenses of the board, from January 1st, 1840, to 1st March, 1841.

<i>Names of Commissioners.</i>	<i>Time of service.</i>	<i>Per diem compensation.</i>	<i>Individual expenses.</i>	<i>Total.</i>
Milton Stapp, -	121 days.	\$363 00	\$401 00	\$1,499 00
same -	245 days.	735 00		580 00
Lucius H. Scott, -	100 days.	300 00	280 00	600 00
N. B. Palmer, -	200 days.	600 00		
		\$1,998 00	\$681 00	2,679 00
		General expenses of the board,		- 1,966 86
		Total,		\$4,645 86

## F

*A STATEMENT of the amount of individual expenses, lawyer's fees, clerk hire, &c., paid by Noah Noble as fund commissioner, from 22d Feb., 1841, to 1st March, 1842, as follows, viz:*

Travelling expenses of himself, or agents employed by him, with their compensation.

To Sherman Day, clerk hire in New York,	\$68 00
same, for leasing oil factory,	49 25
same, for visiting land in Georgia,	294 55
To D. Clarkson, for services in trying to sell bonds,	500 00
To G. H. Dunn, services, and expenses to N. York,	325 06
To N. Noble, for travelling expenses,	384 25
same for board, room, &c.,	585 00
To D. Clarkson, for services,	25 00
To T. A. Morris, for services as clerk,	30 00
To A. H. Davidson, for same,	56 00
To P. Sweetser, compensation and expenses in trip to New York,	420 00
To Noah Noble, his expenses from October to March,	84 00
	<hr/>
	\$2,821 05

*Amount paid by N. Noble to Attorneys.*

To G. Wood, New York, in case N. A. T. & B. C.,	\$100 00
To G. Wood, N. York, in case Drew et al.,	300 00
To D. Clarkson, New York, opinion of G. W. Strong,	25 00
To Howe & Ruggles, New York,	1,200 00
To Wallace, Philadelphia,	25 00
To John S. Talbott, Detroit,	15 00
To Fillmore and Havens, Buffalo,	39 15
same	250 00
To Murray, Ryman & Murray, London,	488 89
To J. H. Williamson, New Jersey,	300 00
To Howe & Ruggles, New York,	100 00
To Thos. D. Baird, Indiana,	50 00
To John D. Defrees, Indiana,	250 00
To Howe and Ruggles, New York,	684 00
To S. C. Stevens, Indiana,	25 00
To J. H. Williamson, New Jersey,	76 00
	<hr/>
	\$3,928 04

*Incidental expenses of a general nature, paid by N. Noble.*

To P. A. Mesier, for stationary, - -	\$10 89	
To McAlister & Stebins, for advertising, - -	8 00	
To J. D. Campbell, for services as Notary, -	16 00	
To J. S. Hunt & Co., bill postage, - -	7 00	
To Rawdon, Wright & Hatch, engraving bonds, - - - -	350 00	
To J. H. Taylor, clerk's fee, - - - -	4 80	
To Indianapolis Branch Bank, for exchange, -	400 00	
For premium of \$5,000 exchange on New York, - - - -	680 62	
For copying and recording mortgages, -	90 25	
For postage, - - - -	42 75	
		\$2,110 31
Noah Noble, for salary from 22d February 1841, to 1st March, 1842, - - - -		1,528 80
Total, - - - - -		\$10,388 20

## G

*A STATEMENT of the amount of individual expenses, Attorney's fees, clerk hire, &c., paid by M. G. Bright, as Agent of State, from 1st March, 1842, to the present time, as follows, viz :*

Travelling and other expenses of himself, or agents employed by him, with their compensation.

To Mr. Hughes, for services and expenses to Columbus, Ohio, about claim vs. Bank of Circleville, - - - -	\$52 12	
To M. Stapp, for travelling expenses of trip to Easton, Pennsylvania, - -	12 50	
To M. G. Bright, for his travelling and other expenses, to 1st May, 1843, - -	2,135 00	
To same, for expenses from 1st May, 1843, to 1st November, 1843, - - -	310 00	
		\$2,509 62

*Amount paid Attorneys by M. G. Bright.*

To B. F. Butler, New York, - -	\$125 00
To S. Cassady, New Jersey, - -	150 00

*To Howe & Ruggles, New York,	-	-	1,000	00
To G. Clark, New York,	-	-	50	00
To Jas. Morrison, Indiana,	-	-	500	00
To Jas. Whitcomb, Indiana,	-	-	500	00
*To John S. Talbott, Detroit,	-	-	100	00
same	-	-	15	00
To John Hurlburt, Auburn,	-	-	10	00
*To Berrien, Georgia,	-	-	200	00
*To J. H. Williamson, New Jersey,	-	-	550	00
To Howe & Ruggles, New York,	-	-	100	00
To J. M. Gorden, Baltimore,	-	-	50	00
				<hr/>
				\$3,350 00
*The items thus (*) marked were paid on account of the				
retainer of Gov. Noble,	-	-	-	1,850 00
				<hr/>
				\$1,500 00

*Incidental expenses of a general nature paid by M. G. Bright.*

For trunk for carrying papers,	-	-	\$18	00
For stationary and blank books,	-	-	33	50
For postage to 1st, October, 1842,	-	-	25	00
For premium for exchange on New York,	-	-	80	00
For J. H. Taylor, for official bonds,	-	-	50	
For deed to Williams, Poughkeepsie,	-	-	3	75
For recording deed, Hartwell to Woodburn,	-	-	1	00
For searches in Brooklyn,	-	-	1	13
For recording deed, Josephs to Coe,	-	-	3	00
For proof in bankruptcy,	-	-	1	00
For searches in Erie county,	-	-	34	07
For searches in Rochester,	-	-	5	50
For recording deed in Hudson county,	-	-	1	75
For searches in New York,	-	-	3	37
For recording deed in New Jersey,	-	-	2	50
For certificate of deed of Stapp,	-	-	1	25
For searches for judgments in New York,	-	-	1	00
For copy of writ vs. M. C. and B. Co.,	-	-	2	64
For recording mortgage of Chambers,	-	-	3	50
For recording mortgage of Denyce,	-	-	2	25
For depositions and postage paid M. Stapp,	-	-	28	88
For proof of debt in bankruptcy,	-	-	1	00
For certificate of mortgage of Biddle,	-	-	50	
For M. D. Latt, for recording four mortgages,	-	-	4	00
To J. McKay, for transcript of account of M.				
C. and B. Co., with Indiana,	-	-	125	00
To N. P. Sprague, for copy of records,	-	-	40	81
To Wm. S. Hubbard, clerk hire,	-	-	250	00



To P. A. Mesein, for stationary, - - -	13 75
For recording deed at Buffalo, - - -	1 00
For protest of Detroit and Pontiac railroad bonds, - - -	3 75
For searches and abstract N. A. T. & B. Co., - - -	3 00
For postage to 1st May, 1843, - - -	60 00
For stationary at sundry times, - - -	11 75
For two trunks, - - -	8 00
For advertising in Journal of Commerce, - - -	12 95
For office rent at Indianapolis, - - -	240 00
For Notarial copy of official appointment, - - -	1 50
For carpet bag, - - -	5 00
For mending trunk, - - -	2 00
For power of attorney to J. J. Palmer, - - -	1 00
To Rob't Gilchrist for extracts from records, - - -	25 00
To Wm. S. Hubbard, clerk, - - -	125 00
To A. Ten Eyck, for proof in bankruptcy, - - -	10 00
To J. H. Williamson, expenses of trip to Paterson, - - -	12 75
To John L. Talbott, costs in bankruptcy, - - -	79 99
To Matt. Ogden, for depositions in chancery, - - -	45 46
For searches in Hudson county, New Jersey, - - -	8 00
	<hr/>
M. G. Bright's salary for two years, - - -	\$1,344 82
	2,400 00
Total, - - -	<hr/>
	\$9,604 44

*A statement of the amount of lawyer's fees paid by the fund commissioners, from 1st January, 1836, to 1st March, 1841.*

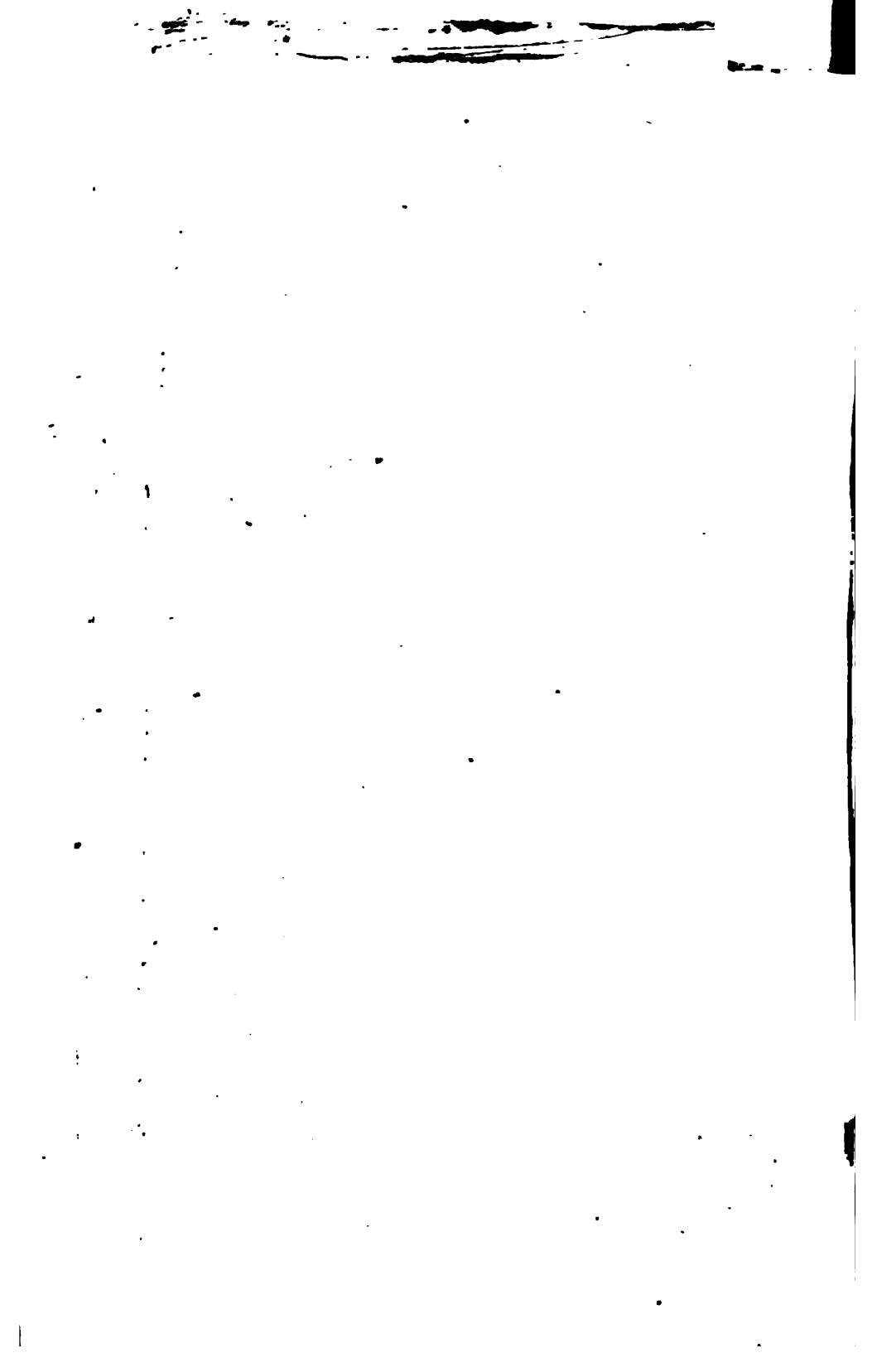
July 8th, 1837—To Jesse Hoyt, New York, - - -	\$55 00
Sept 2d, 1837—To Samuel L. Southard, New York, - - -	50 00
Nov. 11th, 1837—To A. Day, New York, - - -	25 00
Nov. 11th, 1838—To J. & L. McMahan, Baltimore, - - -	150 00
Jan. 2d, 1838—To Jesse Hoyt, New York, - - -	250 00
Jan. 2d, 1838—To L. Dunlap, Philadelphia, - - -	10 00
Nov. 26th, 1838—To Jesse Hoyt, New York, - - -	453 96
	<hr/>
Total, - - -	\$993 96

Respectfully,

M. G. BRIGHT, *Agent.*

Which, on motion, was laid upon the table.

J. W. Andrews,	M. G. Bright.
J. W. Andrews,	M. G. Bright.
Whitcomb & Morrison,	M. G. Bright.
J. H. Williamson,	N. Noble,
J. H. Williamson,	N. Noble,
J. H. Williamson,	M. G. Bright.
- - - -	M. G. Bright.
J. H. Williamson,	M. G. Bright.



No. 205. A bill (of the House) for the relief of John Law, Lucius H. Scott, and the heirs of James B. McCall ;

Read a second time ; whereupon,

Mr. Pitcher moved to suspend the rules for a third reading thereof. The ayes and noes were demanded by Messrs. Ewing and Pitcher.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Farmer, Herriman, Hoover, Jones, Kennedy, Major, Miller, Mitchell, Orth, Parks, Pennington, Pitcher, Read, Ritchey, Shanks, Sinclear, Stanford, Tannehill, Wilber, and Wood—35.

*Those who voted in the negative are,*

Messrs. Ewing, Hodge, Moore, Reeve, Reyburn, Sands, Todd, and Walpole—8.

So the rules were suspended, and the bill read a third time.

The question then recurring upon the passage of the bill,

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Daviess, Defrees, Dobson, Duzan, Farmer, Herriman, Hoover, Hodge, Jones, Kennedy, Major, Miller, Mitchell, Orth, Parks, Pennington, Pitcher, Read, Reyburn, Ritchey, Shanks, Sinclear, Stanford, Tannehill, Wilber, and Wood—37.

*Those who voted in the negative are,*

Messrs. Ewing, Moore, Reeve, Todd, and Walpole—5.

So the said bill passed.

No. 56. A bill (of the House) converting the moneys arising from the sales of estrays and property taken up adrift, into the common school fund ;

Read three several times, the rules being suspended therefor, and passed.

Mr. Davis of Daviess moved to reconsider the vote on the rejection of bill No. 24, a bill to amend an act entitled, "An act to incorporate the Lawrenceburgh and Napoleon Turnpike Company," approved February 18th, 1840 ;

Which motion prevailed.

Read a second time ; whereupon,

Mr. Cornett moved the following amendments :

After the words "Lawrenceburgh and Napoleon Turnpike Company," in section four, add these words, viz.: "And also to the board of county commissioners of the county of Ripley," whose duty it shall be to cause the same to be entered of record on their record book."

Also add the following as an additional section, viz.:

"SEC. 5. If said company shall ever erect any toll gate on said bridge or road, under the charter to which this is an amendment, they shall first pay into the State Treasury, before they shall be entitled to receive tolls, the amount received and expended under the provisions of this act."

Which were adopted; whereupon,

The rules were suspended; and the bill was read a third time, and passed.

No. 96. A bill (of the House) to exempt certain lands in the counties of Randolph and Delaware from taxation;

Read a first and second times, the rules being suspended therefor; whereupon,

Mr. Pitcher moved to amend by striking out in first section of the bill all after the enacting clause thereof, and insert as follows:

"That the stone and brick building in Harmony, Posey county, known as the granary, and conveyed to David Dale Owen by Miss Anna Maclure, for Philosophical purposes and a Geological Museum, be exempt from taxation."

Which amendment was adopted; whereupon,

Mr. Hodge moved further to amend the title by striking out "in the counties of Randolph and Delaware," and inserting, "and tenements therein named."

Which amendment was adopted, and the rules being suspended therefor, the bill was read a third time, and passed.

No. 156. A bill (of the House) extending certain laws therein named to the county of Randolph;

Read three several times, the rules being suspended therefor, and passed.

No. 140. A bill (of the House) to legalize the acts of the school commissioner in Martin county;

Read three several times, the rules being suspended therefor, and passed.

No. 207. A bill (of the House) relative to overseers of the poor;

Read a first and second times, the rules being suspended therefor;

whereupon,

Mr. Chapman moved to lay the bill upon the table;

Which motion did not prevail.

Mr. Hodge moved to amend by striking out the section relative to publishing;

Which motion prevailed.

Mr. Chapman moved the indefinite postponement of said bill.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Chapman, Cornett, Cotton, Davis of Floyd, Duzan, Herriman, Jones, Orth, Pitcher, Reyburn, Sands, and Todd—13.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Dobson, Ewing, Farmer, Hodge, Hoover, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Parks, Pennington, Read, Reeve, Shanks, Sinclear, Stanford, Tannehill, Walpole, Wilber, and Wood—31.

So said bill was not indefinitely postponed.

On motion,

The rules were suspended, and said bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bills, and their concurrence requested in the same, and the amendments thereto.

On leave,

Mr. Reyburn, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to whom was referred the bill of the Senate No. 175, entitled, "A bill repealing all laws now in force, providing for a more uniform mode of doing township business in Miami county," have had the same under consideration, have made one amendment thereto, and with such amendment recommend the passage of the bill.

Amend by striking out all after the words "settle with," in the first section, and insert the following :

"The county auditor of said county, within ninety days from the passage of this act, for all moneys, securities, and property, which has or may come into their hands by virtue of their offices, and within the same time to pay over and deliver to the proper officer such moneys, securities, and property, to be disposed of and distributed as other school funds, for which moneys, securities, and property so paid and delivered, said treasurers shall take a receipt and file the same with the said county auditor.

"Sec. 2. This act shall be in force from and after its passage."

Which amendments were concurred in ; whereupon,

On motion of Mr. Reyburn,

The rules were suspended, the said bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Ewing, from a select committee, made the following report :

Mr. PRESIDENT:

The select committee to whom was referred bill of the House No. 102, with instructions to grant such relief generally in relation to the school and saline lands as equity and justice demand, have had the same under consideration, and instructed me to report the same back, with suitable and proper amendments, and ask the passage thereof.

Mr. Miller moved to lay said report upon the table.

The ayes and noes being requested by two Senators,

*Those who voted in the affirmative are,*

Messrs. Bradley, Chapinan, Cornett, Davis of Floyd, Duzan, Herriman, Hoover, Major, Miller, Mitchell, Read, Ritchey, Shanks, Sinclear, Stanford, Wilber, and Wood—17.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Cotton, Davis of Daviess, Dobson, Ewing, Farmer, Hodge, Kennedy, Leviston, Moore, Morgan, Parks, Pennington, Pitcher, Reyburn, Sands, Tannehill, Todd, and Walpole—22.

So the report was not laid upon the table.

Mr. Chapman moved to strike out the third section, one of the amendments;

Which motion prevailed; whereupon,

The report was concurred in, the said bill, as amended, was read a third time, and passed.

Mr. Ewing moved to amend the title as follows:

Strike out all after the word "bill," and insert, "to prevent the sale of mortgaged school and saline lands;"

Which amendment prevailed.

Mr. Morgan moved a reconsideration of the vote thereupon;

Which motion prevailed.

The question then recurred upon the adoption of Mr. Ewing's amendment to the title of said bill.

The ayes and noes were demanded by Messrs. Ewing and Walpole.

*Those who voted in the affirmative are,*

Messrs. Alexander, Carr of Jackson, Carr of Lawrence, Cotton, Davis of Daviess, Davis of Floyd, Duzan, Ewing, Farmer, Hodge, Moore, Orth, Pitcher, Reyburn, Tannehill, Walpole, and Wilber—17.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Bradley, Buell of Warren, Burke, Chapman,

Cornett, Dobson, Herriman, Hoover, Leviston, Major, Miller, Mitchell, Morgan, Parks, Pennington, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Todd, and Wood—25.

So the title was not so amended.

*Ordered*, That the House of Representatives be informed of the passage of said bill.

No. 231. A bill (of the House) to improve the navigation of Sugar creek ;

No. 215. A bill (of the House) relative to a state road in Steuben county ;

No. 216. A bill (of the House) for the relief of Thomas C. Stewart, of Pike county ;

No. 112. A bill (of the House) to provide for a more uniform mode of doing township business in the county of Hamilton ;

No. 105. A bill (of the House) to amend an act entitled, "An act relating to the seminary fund in Cass county," approved February 11th, 1843 ;

No. 139. A bill (of the House) to amend an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis Railroad Company ;

No. 124. A bill (of the House) to apply the saline fund to common school purposes ;

No. 160. A bill (of the House) to limit the trustees of Evansville to a certain tax, &c. ;

No. 214. A bill (of the House) for the relief of the heirs of George Bishop, late of the county of Jay, deceased ;

No. 152. A bill (of the House) extending the provisions of a certain act therein named to the county of Spencer ;

No. 146. A bill (of the House) appointing the board of county commissioners of Carroll county, the seminary trustees of said county seminary ;

No. 193. A bill (of the House) to improve the breed of sheep ;

No. 242. A bill (of the House) for the relief of Samuel W. Sprott, against an unjust prosecution in the county of DeKalb ;

No. 226. A bill (of the House) to amend an act entitled, "An act to establish and regulate ferries," approved February 10th, 1831 ;

No. 154. A bill (of the House) for the better regulation of the county board in the county of Warrick ;

No. 145. A bill (of the House) relative to the practice in the circuit court ;

All of which said bills, from No. 231 to No. 145, both inclusive, were, the rules being dispensed with, severally read three times, and passed.

No. 111. A bill (of the House) to repeal an act therein named ;

Read a first time and ordered to a second reading.

No. 57. A bill (of the House) for the relief of John Sankey, of Vigo county ;

Read a first time and ordered to a second reading.



No. 238. A bill (of the House) to raise a revenue for State purposes, and to redeem Treasury Notes :

Read a first time and ordered to a second reading.

On motion,

The Senate adjourned.

1½ o'clock, P. M.

The Senate assembled.

Mr. Chapman introduced,

No. 193. A bill to establish a state road from Crown Point, in the county of Lake, to Michigan City, in the county of Laporte; and,

On his motion,

The rules were suspended, and said bill was read three times, and passed.

Mr. Walpole introduced,

No. 194. A bill providing for the payment of certain claims due Samuel Myers, Alfred Makepeace, and William Young; and,

On his motion,

The rules were suspended, the said bill was read three times and passed.

Mr. Walpole moved that the Senate insist upon their disagreement to joint resolution of the Senate entitled,

No. 13. A joint resolution explanatory of an act approved February 2d, 1843, for the relief of J. J. Burton and Joseph Luther, and an act approved February 11th, 1843, for the relief of N. Burchfield, and for other purposes;

And that a committee of free conference be appointed on the part of the Senate to act with a similar committee on the part of the House of Representatives;

Which motion prevailed.

Ordered, That Messrs. Wilber and Read constitute said committee.

No. 208. A bill (of the House) to legalize the acts of the school commissioner of Benton county;

No. 292. A bill (of the House) to vacate a part of a state road in Putnam county;

No. 213. A bill (of the House) to authorize Job Meredith to build a mill dam across Tippecanoe river;

No. 296. A bill (of the House) to provide for the election of supervisors of roads by road districts, in Boone county;

No. 277. A bill (of the House) for the relief of David D. Weddle, of Brown county;

No. 225. A bill (of the House) to change the mode of selecting seminary trustees in the county of Lawrence, and for other purposes;

No. 185. A bill (of the House) authorizing the location of a state road in the county of Allen;

No. 132. A bill (of the House) to amend an act to incorporate the Logansport and Wabash Bridge Company ;"

No. 79. A bill (of the House) authorizing the school commissioner of Vanderburgh county to refund certain moneys ;

No. 186. A bill (of the House) to change the name of Rachel Will ;

No. 1. A memorial and joint resolution (of the House) on the subject of the Cumberland road ;

No. 312. A bill (of the House) to legalize the proceedings of the trustees of the Wolf Creek Baptist Church ;

No. 19. A bill (of the House) to vacate a state road therein named ;

No. 211. A bill (of the House) to provide for keeping in repair the turnpike road from Lafayette to Crawfordsville ;

No. 206. A bill (of the House) amending the criminal law ;

No. 236. A bill (of the House) to change the name of Black Hawk to that of Mount Auburn ;

No. 200. A bill (of the House) to extend the time of holding probate courts in Dearborn county ;

No. 76. A bill (of the House) to relocate a state road in Sullivan county ;

No. 172. A bill (of the House) granting certain lands to the board of commissioners of Lake county for a burying ground ;

No. 175. A bill (of the House) appointing commissioners to locate a state road from Portland, in Jay county, to Hartford, in Blackford county ;

No. 219. A bill (of the House) in relation to school district No. 5, in town 37 north, range 3 west, in Laporte county ;

No. 217. A bill (of the House) to change the mode of selecting petit jurors in Blackford county ;

No. 184. A bill regulating the selecting of grand jurors in Randolph county ;

No. 161. A bill (of the House) to legalize the records of roads and highways in the county of Clay ;

No. 135. A bill (of the House) to suspend the further issue of five dollar Treasury Notes in lieu of fifties ;

No. 243. A bill (of the House) in relation to road tax in the county of Elkhart ;

No. 244. A bill (of the House) declaratory of the law in a special case in Fayette county ;

No. 253. A bill (of the House) to vacate the town of West Point, in Lake county ;

No. 247. A bill (of the House) for the relief of William B. Townsend, of Clay county ;

No. 191. A bill (of the House) to amend an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter ;

All of which bills, commencing at No. 208 to No. 191, both inclusive, were, the rules being dispensed with, read three several times each, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 202. A bill (of the House) in relation to tavern licenses in Carroll county ;

Read a first and second times, the rules being dispensed with ; whereupon,

On motion of Mr. Walpole,

The counties of Hancock and Madison ; and,

On motion of Mr. Major,

The county of Carroll, were ordered to be added in the proper place in said bill ; and thereupon,

On motion of Mr. Walpole,

The rules were further suspended, the said bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 180. A bill (of the House) abolishing the office of county auditor in certain counties therein named ;

Read a first and second times, the rules being suspended, and,

On motion of Mr. Chapman,

Laid upon the table.

No. 188. A bill (of the House) concerning grand and petit jurors in the counties of Crawford and Perry ;

Read a first and second times, the rules being suspended ; and thereupon,

On motion,

The counties of Orange, Franklin, Tippecanoe, Elkhart, Jefferson, and Clark were ordered to be inserted in said bill after the word "Perry."

On motion of Mr. Dobson,

Laid upon the table.

No. 183. A bill (of the House) providing for a school tax in the counties of Adams and Jay ;

Read a first and second times, the rules being suspended, and,

On motion of Mr. Burke,

Laid upon the table.

No. 192. A bill (of the House) to authorize the clerks of circuit and probate courts to appoint guardians in the vacations of the probate courts ;

Read a first and second times, the rules being suspended, and,

On motion of Mr. Herriman,

Laid upon the table.

No. 179. A bill (of the House) to provide for the relinquishment of saline lands in the county of Orange ;

Read a first and second times, the rules being suspended, and,

On motion of Mr. Sands,

Laid upon the table.

No. 221. A bill (of the House) supplemental to an act entitled, "An act to provide for the reduction of the state and individual stock in the State Bank, and for other purposes ;"

Read a first and second times, the rules being suspended, and,

On motion of Mr. Mitchell,  
Laid upon the table.

No. 15. A joint resolution (of the House) on the subject of the Oregon Territory;

Read a first and second times, the rules being suspended; whereupon,

Mr. Morgan moved its reference to the committee on federal relations;

Which motion did not prevail.

Ordered to a third reading.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk:

Mr. PRESIDENT:

The House of Representatives has passed the following engrossed joint resolution thereof, to-wit:

No. 325. A joint resolution providing for the compensation of the Revisors;

In which joint resolution the concurrence of the Senate is respectfully requested.

Which joint resolution was read the first and second times, the rules being dispensed with: whereupon,

Mr. Chapman offered the following amendment:

Insert after "the Judges of the Supreme Court" the following:

"Or in case they neglect or refuse to act, then the said duties shall be performed by Oliver H. Smith, Jas. Morrison, and Michael G. Bright."

Which amendment prevailed.

No. 318. A joint resolution (of the House) on the subject of the French Lick, in the county of Orange;

Read a first and second times, the rules being suspended; whereupon,

On motion of Mr. Carr of Jackson,

The following amendment was adopted:

Insert "be it" before "resolved."

Mr. Sands offered the following amendment:

After "December, 1844," add,

"Provided, the expense of the examination aforesaid, shall be at the cost of the owner of said property."

Which amendment prevailed; whereupon,

On his motion,

The rules were suspended, the said joint resolution was read a third time, and passed.

On motion of Mr. Cornett,

No. 192. A bill to amend an act entitled, "An act to incorporate the Vevay and Napoleon and other turnpike companies,"

Was taken from the table; and,

On his motion,

The rules were suspended, the said bill was read a third time, and passed.

On motion of Mr. Dobson,

No. 180. A bill (of the House) abolishing the office of county auditor in certain counties therein named,

Was taken from the table.

Mr. Tannehill moved to except the county of Bartholomew ;  
Which motion prevailed.

On motion,

The counties of Harrison, Posey, Hamilton, Sullivan, and Orange were exempted ; and

The counties of Washington, Union, and Carroll inserted in said bill.

Mr. Sands offered the following amendment :

" That the board doing county business in the county of Orange, be, and they are hereby authorized and required to allow the auditor of said county the sum of two hundred dollars per annum for all his services as such auditor, which shall be full compensation for all his services."

Which amendment prevailed.

Mr. Major offered the following amendment :

" The board of commissioners of Carroll county shall allow the clerk thereof, as a compensation for his services under this act, any sum not exceeding three hundred dollars in any one year."

Which amendment prevailed.

Mr. Defrees moved to recommit to a select committee, with instructions to report a bill reducing the salaries of the auditors of said counties to an amount not exceeding two hundred and fifty dollars.

Mr. Dobson moved to lay said instructions upon the table.

The ayes and noes being demanded by Messrs. Chapman and Defrees,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Carr of Lawrence, Cotton, Davis of Daviess, Dobson, Duzan, Farmer, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Parks, Read, Sands, Shanks, Sinclair, Tannehill, Walpole, and Wood—28.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Burke, Carr of Jackson, Chapman, Davis of Floyd, Defrees, Hodge, Pennington, Pitcher, Reeve, Reyburn, Ritchey, and Stanford—14.

So said instructions were laid upon the table.

On motion,

The rules were suspended, the said bill was read a third time, and passed.

*Ordered,* That the House of Representatives be informed thereof.

Message from the House of Representatives, by Mr. Barbour, a member thereof:

Mr. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House insists on its amendments to a joint resolution of the Senate entitled,

No. 13. A joint resolution explanatory of an act entitled, "An act for the relief of Jesse J. Burton and Joseph Luther," approved February 2d, 1843; and an act entitled, "An act for the relief of Nathan Burchfield," approved February 11th, 1843; and for other purposes.

On motion of Mr. Bradley,

The vote upon laying [upon the table]

No. 221. A bill (of the House) supplemental and amendatory to an act entitled, "An act to provide for the reduction of the state and individual stock in the State Bank, and for other purposes,"

Was reconsidered, and,

On motion of Mr. Burke,

Said bill was referred to the committee on the State Bank.

No. 176. A joint resolution (of the House) relative to granting lands for common school purposes;

Read twice, the rules being suspended, and,

On motion of Mr. Mitchell,

Laid upon the table.

No. 59. A joint resolution (of the House) on the subject of reducing the salaries and pay of officers of the general government;

Read twice, the rules being dispensed with; whereupon,

Mr. Ewing moved to lay it on the table.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Burke, Carr of Jackson, Chapman, Cotton, Ewing, Hoover, Major, Morgan, Orth, Pennington, Pitcher, Reyburn, and Shanks—16.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Buell of Warren, Carr of Lawrence, Cornett, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Farmer, Herriman, Hodge, Hutton, Jones, Kennedy, Miller, Mitchell, Moore, Parks, Read, Reeve, Ritchey, Sands, Sinclear, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—30.

So said joint resolution was not laid upon the table.

Mr. Chapman moved to refer it to the committee on federal relations;

Which motion did not prevail.

Mr. Walpole moved to suspend the rules for a third reading now.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Davis of Floyd, Dobson, Duzan, Farmer, Herriman, Hodge, Hutton, Kennedy, Leviston, Major, Mitchell, Parks, Read, Reeve, Reyburn, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Todd, and Wood—29.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Burke, Chapman, Cotton, Defrees, Hoover, Jones, Morgan, Orth, Pennington, and Walpole—12.

So the rules were suspended, and said joint resolution was read a third time, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 151. A joint resolution (of the House) requesting Congress to donate public lands for common school purposes ;

Read twice, the rules being dispensed with, and,

On motion of Mr. Mitchell,

Referred to the committee on education.

No. 174. A bill (of the House) to amend the several acts now in force regulating the duties of school commissioner, county auditor, county treasurer, and county commissioners, in Marion county ;

Read twice, the rules being dispensed with, and,

On motion of Mr. Todd,

Referred to the committee on education.

No. 278. A bill (of the House) relative to a state road in Monroe county ;

Read twice, the rules being dispensed with ; whereupon,

On motion of Mr. Carr of Lawrence,

The county of Lawrence was exempted from the provisions of said bill, and,

On motion,

The rules were further suspended, and said bill was read a third time, and passed.

No. 269. A bill (of the House) to provide for a more efficient mode of expending the road tax in the several counties therein named ;

Read twice, the rules being dispensed with ; and thereupon,

On motion of Mr. Sinclear,

*Ordered*, That the county of Huntington be inserted in said bill.

The rules were further suspended, and said bill was read a third time, and passed.

On motion of Mr. Chapman,

No. 197. A bill (of the House) to give effect to an act therein named ;

Was taken from the table, the rules were suspended, and the said bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bills, and their concurrence requested in the sundry amendments thereto.

No. 128. A bill (of the House) to revive and amend an act to establish a board of trustees of the county library of the county of Marion;

Read twice, the rules being dispensed with, and,

On motion of Mr. Todd,

Laid upon the table.

No. 177. A bill to amend an act entitled, "An act granting to the city of Madison and town of Lawrenceburgh a city charter;

Read twice, the rules being dispensed with, and,

On motion of Mr. Chapman,

Laid upon the table.

No. 103. A bill (of the House) for the relief of Samuel Rockafeller, in Franklin county;

Read twice, the rules being dispensed with; whereupon,

Mr. Morgan moved to lay it upon the table;

Which motion was negatived.

Mr. Ewing moved its indefinite postponement;

Which motion did not prevail.

Mr. Tannehill moved to amend as follows:

"Provided it shall not interfere with the preference given to subcontractors and laborers on the Madison and Indianapolis Railroad."

Which amendment prevailed.

Mr. Berry moved to suspend the rules for a third reading.

The ayes and noes being demanded by Messrs. Ewing and Berry,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cotton, Davis of Daviess, Dobson, Duzan, Farmer, Herriman, Hodge, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Orth, Parks, Read, Ritchey, Shanks, Sinclear, Todd, and Wood—31.

*Those who voted in the negative are,*

Messrs. Alexander, Davis of Floyd, Morgan, Pitcher, Reeve, Sands, Stanford, and Walpole—8.

So the rules were suspended, and the said bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 240. A bill (of the House) to repeal a road law in Posey county;

Read a first and second times, the rules being dispensed with, and,

On motion of Mr. Pitcher,

Laid upon the table.



No. 239. A bill (of the House) to locate a state road in Posey county ;

Read a first and second times, the rules being dispensed with, and,

On motion of Mr. Pitcher,

Laid upon the table.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has signed the following enrolled bills of the Senate, to-wit :

No. 37. An act to repeal an act therein named ;

No. 15. An act to change the name of George R. Selkregg and others ;

No. 57. An act authorizing the recorder of Lagrange county to perfect the records of said county ;

No. 25. An act in relation to the auditor of the county of Knox ;

No. 62. An act to repeal an act entitled, "An act relating to public roads and highways, approved February 17th, 1838," approved January 29th, 1842 ;

No. 44. An act to authorize the board of commissioners of Lagrange county to sell certain real estate therein named ;

No. 76. An act to establish an additional place of holding elections in Florida township in Parke county ;

No. 39. A joint resolution requesting the Governor of Indiana to communicate with the Governor of the State New York, asking a drawback on salt delivered at any point on the Wabash and Erie canal within the State of Indiana ;

No. 49. A joint resolution in relation to an appropriation on the National Road in Indiana ;

No. 42. An act to revive the first section of an act entitled, "An act authorizing the appointment of pilots at the falls of the Ohio in this State," approved February 8th, 1841 ;

Which I have been directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed said bills and joint resolutions.

No. 173. A bill (of the House) for the relief of Melchoir Sudor and James Hayes, late of Dearborn county, deceased ;

Read a first time and ordered to a second reading.

No. 181. A bill (of the House) to repeal certain acts therein named in relation to the seminary and library in the county of Crawford ;

Read a first and second times, the rules being dispensed with ; whereupon,

On motion,

It was ordered that the following counties be inserted in said bill :

Henry, Warren, Hancock, Noble, Lagrange, Morgan, Franklin, Huntington, Wells, Adams, and Bartholomew ; whereupon,

Mr. Herriman moved its reference to a select committee.

*Ordered*, That Messrs. Stanford, Herriman, Morgan, and Sinclear constitute said committee.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

**Mr. PRESIDENT :**

The House of Representatives has passed the following engrossed bill thereof, to-wit :

No. 334: An act to organize the counties of Tipton and Richardville ;

In which bill the concurrence of the Senate is respectfully requested.

Which bill was read twice, the rules being dispensed with, and,

On motion of Mr. Walpole,

Laid upon the table.

No. 293. A bill (of the House) regulating the fees of auditor in the county of Randolph ;

Read twice, the rules being dispensed with ; whereupon,

On motion of Mr. Hodge,

*Ordered*, That Grant county be inserted in said bill.

The rules were further suspended, and said bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 265. A bill (of the House) relative to the road law in Posey county ;

Read twice, the rules being dispensed with, and,

On motion of Mr. Pitcher,

Laid upon the table.

No. 228. A bill (of the House) to incorporate the Terre Haute Draw-Bridge Company ;

Read twice, the rules being dispensed with, and,

On motion of Mr. Morgan,

Referred to the committee on corporations.

No. 147. A bill (of the House) to reduce the salary of the clerk of the State Prison ;

Read a first and second times, the rules being dispensed with, and,

On motion of Mr. Davis of Floyd,

Referred to the committee on the State Prison.

No. 241. A bill (of the House) declaring Big creek a navigable highway ;

Read twice, the rules being dispensed with, and,

On motion of Mr. Pitcher,

Laid upon the table.

No. 144. A bill (of the House) to reduce the tolls on the New Albany and Vincennes road ;

Read a first and second times, the rules being dispensed with ; whereupon,

Mr. Davis of Daviess moved the following amendments :

Amend the 9th section, after the word "deducting," strike out and insert, "one thousand dollars, if so much may be required to keep said road in repair."

Amend the 16th section, at the end of that section to read, "and a certified copy thereof filed in the clerk's office in the county of Orange."

Mr. Davis of Floyd moved to lay said amendments upon the table ;  
Which motion prevailed.

Mr. Ewing moved to strike out "two" before "years," and insert "one."

Mr. Davis of Floyd moved to lay said amendment upon the table ;  
Which motion prevailed.

Mr. Davis of Daviess moved to recommit said bill with instructions.  
A division of the question being called,

The Senate refused to commit ; whereupon,

On motion of Mr. Davis of Floyd,

The rules were suspended and said bill was read a third time.

The question then recurring,

Shall the bill pass ?

The ayes and noes were demanded by Messrs. Davis of Daviess and Davis of Floyd.

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Burae, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Hoover, Hodge, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Orth, Parks, Pennington, Pitcher, Reyburn, Sands, Shanks, Stanford, and Todd—28.

*Those who voted in the negative are,*

Messrs. Akin, Chapman, Davis of Daviess, Dobson, Duzan, Farmer, Herriman, Hutton, Read, Reeve, Ritchey, Tannehill, Walpole, Wilber, and Wood—15.

So said bill passed.

On motion of Mr. Herriman,  
The Senate adjourned.

SATURDAY MORNING, JAN. 13, 1844.

The Senate assembled.

On motion of Mr. Akin,  
The reading of the Journal was dispensed with.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

The Speaker of the House of Representatives having signed the following enrolled bills entitled acts, which originated in the House of Representatives, I am instructed to bring them to the Senate for the signature of its President, to-wit :

No. 54. An act to declare the Mississinewa river a public highway ;

No. 76. An act to change a state road in Sullivan county ;

No. 1. A memorial and joint resolution on the subject of the Cumberland road ;

No. 290. An act incorporating the Delphi Water Works Company ;

No. 31. An act to locate a state road in the county of Daviess ;

No. 319. An act providing for the loaning of the school funds in Vigo county ;

No. 231. An act to improve the navigation of Sugar creek ;

No. 216. An act for the relief of Thomas C. Stewart, of Pike county ;

No. 242. An act for the relief of Samuel W. Sprott, against an unjust prosecution in the county of DeKalb ;

No. 79. An act authorizing the school commissioner of Vanderburgh county to refund certain moneys ;

No. 144. An act to reduce the tolls on the New Albany and Vincennes road, and for other purposes ;

No. 191. An act to amend an act entitled, "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter ;

No. 208. An act to legalize the acts of the school commissioner of Benton county ;

No. 206. An act amending the criminal law ;

No. 200. An act to extend the time of holding probate courts in Dearborn county ;

No. 197. An act to give effect to an act entitled, "An act to restrict the county commissioners in the counties of Allen, Laporte, Wells, Huntington, Adams, and Jay," approved Feb. 13th, 1843 ;

No. 186. An act to change the name of Rachel Will ;

No. 172. An act granting certain lands to the board of commissioners of Lake county to be used for the purpose of a burying ground ;

No. 135. An act to suspend the further issue of five dollar Treasury Notes in lieu of fifties ;

No. 161. An act to legalize the records of roads and highways in the county of Clay ;

No. 247. An act for the relief of William B. Townsend, of Clay county ;

No. 226. An act to amend an act entitled, "An act to establish and regulate ferries," approved February 10th, 1831 ;

Whereupon, the President signed the same.

Mr. Cornett, from the committee on education, made the following report :

**Mr. PRESIDENT :**

The committee on education, to which was referred bill No. 44, of the House of Representatives, entitled, "An act to prevent the sale of lands mortgaged to the common school fund," have had the same under consideration, and as a bill embracing the same matter has already passed the Senate, they deem further legislation on the subject unnecessary ; therefore, they recommend the indefinite postponement of the bill.

Which report was concurred in, and the bill accordingly indefinitely postponed.

Mr. Cornett, from the same committee, made the following report :

**Mr. PRESIDENT :**

The committee on education, to which was referred bill No. 138, of the Senate, entitled, "A bill to provide for the better security of the seminary fund," have had the same under consideration, and directed me to report it back to the Senate and recommend its indefinite postponement, inasmuch as it proposes to repeal a portion of the Revised Statutes, which have not yet been submitted to the people.

Which report was concurred in, and the bill accordingly indefinitely postponed.

Mr. Dobson, from the committee on claims, made the following report :

**Mr. PRESIDENT :**

The committee on claims, to whom was referred bill of the House of Representatives No. 27, for the relief of Curtis Mallory, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Which bill was read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof.

Mr. Reeve, from the committee on enrolled bills, made the following report :

Mr. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed bill of the Senate, and find the same truly enrolled, to-wit :

No. 111. An act to relocate the seat of justice of Noble county.

Mr. Duzan, from the same committee, made the following report :

Mr. PRESIDENT :

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills and joint resolutions as follows, and find the same correctly enrolled :

No. 194. An act to establish a certain road therein named a state road ;

No. 34. An act regulating the boundaries of Warrick and Gibson ;

No. 18. An act for the protection of wild fruit growing on public lands in the counties of Lake and Porter ;

No. 2. A joint resolution in relation to refunding the fine imposed upon General Andrew Jackson, and for other purposes ;

No. 14. A joint resolution on the subject of postage ;

No. 86. An act extending the provisions of a certain act therein named to the county of Kosciusko ;

No. 50. An act to vacate the town of Lagrange ;

No. 201. An act to incorporate the Porter County Manufacturing Company ;

No. 289. An act in relation to road tax in the town of Laporte ;

No. 52. An act concerning marks and brands ;

No. 117. An act concerning a discrepancy in the estray law ;

No. 282. An act regulating the road law in Warrick county ;

No. 284. An act to locate a state road on the line between the counties of Lagrange, Steuben, Noble, and DeKalb ;

No. 297. A joint resolution respecting the State Prison ;

No. 133. An act changing the application of water power at the St. Mary's aqueduct, on the Wabash and Erie canal ;

No. 224. An act for the relief of justices of the peace ;

No. 276. An act declaring a misprint in the Revised Statutes of 1843 ;

No. 106. An act for the encouragement of domestic manufactures ;

No. 113. An act to amend an act to authorize the commissioners of certain counties therein named to equalize the appraisement of real estate in said counties ;

No. 109. An act to change the name of Henry Bragg to the name of Henry Rittenour, and for other purposes ;

No. 6. An act to abolish the office of county auditor in Warrick county, and for other purposes ;

No. 120. An act to provide for the relocation of the seat of justice in the county of Martin.

Mr. Duzan, from the committee on enrolled bills, also made the following report :

Mr. PRESIDENT :

The committee on enrolled bills have compared enrolled with engrossed bills as follows, and find the same correctly enrolled :

No. 29. An act for the relief of the heirs of Joseph Steinberger ;

No. 189. An act in relation to the boundary line between the counties of Clark and Floyd ;

No. 24. An act to locate a state road in the county of Lawrence ;

No. 14. An act to provide for summoning grand and petit jurors in Decatur and Warren counties ;

No. 131. An act to incorporate the Lafayette Blues, in Tippecanoe county, Indiana.

Mr. Shanks, from the committee on the State Prison, made the following report :

Mr. PRESIDENT :

The committee on the State Prison, to which was referred a bill of the House No. 147, to reduce the salary of the clerk of the State Prison, have had the same under consideration, and a majority of said committee have directed me to return the same, without amendment, and recommend its passage.

Which report was concurred in ; whereupon,

Mr. Chapman moved to indefinitely postpone said bill.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Burke, Chapman, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Hoover, Hutton, Moore, Pitcher, Pennington, Read, and Sinclear—16.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Buell of Warren, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Duzan, Farmer, Herriman, Hodge, Major, Mitchell, Morgan, Orth, Parks, Reeve, Reyburn, Ritchey, Sands, Shanks, Stanford, Tannehill, Wilber, and Wood—25.

So said bill was not indefinitely postponed ; whereupon,

Mr. Carr of Lawrence moved to suspend the rules for a third reading of said bill.

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Duzan, Farmer, Herriman, Hodge, Hoover, Leviston, Major, Miller, Mitchell, Morgan, Orth, Parks, Ritchey, Shanks, Stanford, Tannehill, Wilber, and Wood—23.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Chapman, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Hutton, Moore, Pennington, Pitcher, Read, Reeve, Reyburn, Sands, Sinclear, and Todd—21.

So the rules were suspended, and the bill was read a third time.

The question then being, Shall the bill pass?

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Duzan, Farmer, Herriman, Hodge, Leviston, Major, Miller, Mitchell, Morgan, Orth, Reeve, Reyburn, Ritchey, Shanks, Stanford, Tannehill, Todd, Wilber, and Wood—25.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Chapman, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Hoover, Hutton, Moore, Pennington, Pitcher, Read, Sands, and Sinclear—18.

So the said bill passed.

*Ordered,* That the House of Representatives be informed thereof.

Mr. Akin, from the committee on the State Bank, made the following report:

Mr. President:

The committee on the State Bank, to whom was referred bill of the House No. 221, have had the same under consideration, and I am instructed to report it back, without suggestion, and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the committee accordingly discharged.

Mr. Burke moved to amend as follows:

Strike out the third section of the bill and insert the following:

"SEC. 3. The avails of the interest or principal of any of the mortgages, given for the payment of the second or third instalments of bank stock, or any that may be substituted for them, shall be ap-



propriated to the payment of the interest or principal of the bank loan in New York ; and the interest for the first year on any mortgage received by the commissioners of the sinking fund, under the first section of this act, shall be paid in advance before such mortgage is received ; and if there shall be a failure for sixty days after the annual interest in advance, or the principal becomes due, the commissioners of the sinking fund shall sell the said mortgaged premises for the amount due and unpaid, of the interest on said mortgage, and of the principal of the same, which, on a failure to pay the interest, shall become due also, together with five per centum damage on the whole sum thus due, for whatever amount in money paid down, bankable at the Indianapolis Branch of the State Bank of Indiana, said premises will bring, without any relief whatever from valuation or appraisement laws ; and in giving notice of such sale, and in all other respects not inconsistent with the provisions above, the same proceedings shall be had as are required in the sale of the sinking fund mortgaged premises ; and in recovering such mortgages, the commissioners shall express therein the obligation of the mortgagor as above specified, and they shall require ample real estate to secure the prompt realizing of the amount due on said mortgage, as above, in case of failure to pay ; and they shall take a bond, with such mortgage for the payment of the amount thereby secured, in which it shall be expressed that the same shall be paid, without any relief whatever from valuation or appraisement laws ; which bond shall be forthwith prosecuted for the recovery of any remainder unpaid on a mortgage after sale of the mortgaged premises, as above provided."

Mr. Carr of Lawrence moved to indefinitely postpone the bill ;  
Which motion prevailed.

Mr. Raeve, from the committee on enrolled bills, made the following report :

Mr. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed joint resolutions and bills of the Senate, and find the same correctly enrolled, viz. :

No. 103. An act to abolish the fee for issuing patents to purchasers of Wabash and Erie canal lands ;

No. 88. An act to provide for the appointment of a county auditor and school commissioner for the county of Perry ;

No. 137. An act to revive an act entitled, "An act to establish a board of trustees of the county library of the county of Marion," approved February 11th, 1843 ;

No. 139. An act to allow the assessor of the county of Shelby to qualify ;

No. 83. An act for the relief of Delaware and Grant counties ;

No. 167. An act to authorize Stephen Stenbarger to erect a mill dam across the Mississinewa river ;

No. 154. An act to change a state road in Daviess county ;

No. 157. An act to transfer books, papers, and vouchers of Michigan road commissioner's office to the office of Auditor of State ;

No. 79. An act to legalize the appointment of school commissioner for the county of Steuben ;

No. 31. A joint resolution relative to the State Bank of Indiana ;

No. 91. An act providing for the location of a state road in the counties of Noble and Lagrange ;

No. 136. An act for the relief of George Augustus Spilker, of Delaware county ;

No. 148. An act extending the benefit of the valuation laws to judgment debtors to the surplus revenue, and giving additional time to such persons for the payment of the same ;

No. 166. An act relating to road labor in the town of Spartansburgh, in the county of Randolph ;

No. 96. An act to authorize the issuing of a patent for a part of a lot of canal land ;

No. 100. An act to legalize the election of probate judge in Boone county ;

No. 126. An act to vacate the town of Northampton, in the county of Harrison ;

No. 104. An act to repeal an act therein named ;

No. 108. An act to amend an act entitled, "An act providing for the summoning and empannelling jurors in the counties of Delaware, Grant, Scott, Franklin, Floyd, and Union," approved January 23d, 1843 ;

No. 146. An act to provide for a special session of the circuit court of the county of Jefferson ;

No. 181. An act to repeal certain acts therein named in relation to the seminary and library in the county of Crawford ;

No. 107. An act to authorize the circuit court of Gibson county to grant a divorce in a certain case therein named ;

No. 169. An act to incorporate the College Corner and Liberty Turnpike Company, and the Liberty and Abington Turnpike Company ;

No. 165. An act for the relief of Patrick Justice, of Delaware county ;

No. 118. An act to legalize the proceedings of the board of justices of Gibson county.

Mr. Dobson, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to whom was referred the petition of sundry citizens of Green and Knox counties, praying for the passage of an act repealing the law declaring Black creek a public highway, have had the same under consideration, and your committee would report, that they have not been able to find any law declaring said creek a highway ; your committee, therefore, ask to be discharged.

Which report was concurred in, and the committee accordingly discharged.

Mr. Davis of Daviess, from a select committee, made the following report :

Mr. PRESIDENT :

The select committee to which was referred the report of the agent and commissioner on the New Albany and Vincennes road, have had the same under consideration, and find that the commissioner and agents's vouchers agree with the receipt ; but from the shortness of the session, they have not had time to give the subject such an investigation as they could wish, and therefore suggest, that as a bill of the House of Representatives has now passed the Senate, which makes provisions for the examination of the proceedings of both of these officers, they ask to be discharged from a further consideration of the subject.

Which report was concurred in, and the committee accordingly discharged.

AUDITOR'S OFFICE,  
December 22d, 1843. }

*Honorable President of the Senate :*

SIR: Herewith you will receive the report and account current of R. A. Clements, commissioner of that part of the New Albany and Vincennes road between Paoli and Mount Pleasant, for the year ending November 1st, 1843 ; which you will please lay before the Senate, as they are forwarded in accordance with a resolution of the Senate, of December 21st, 1843.

Respectfully,

M. MORRIS, A. P. A.

WASHINGTON, November 14th, 1843.

To M. MORRIS, Esq.,

*Auditor of the State of Indiana :*

The undersigned, commissioner of the New Albany and Vincennes road between Paoli and Mount Pleasant, makes the following report of his proceedings on that part of the road, of which he has had the superintendence since the 17th day of March last.

The undersigned entered upon the discharge of his duties under many difficulties, the first and greatest of which was the difficulty to raise the means to comply with the object of the law under which he

was appointed. The law giving him full power to complete the grading and bridging between these two points, but more directly leaning to the completion of so much as would enable the travel to take the road. The latter has been effected, though so late in the season that it is feared it will not be of much benefit before the next Summer.

Finding it impossible to complete the grading and bridging at present, in the manner and style originally contemplated by the State, efforts were made to do such work as was necessary to give to the public a road on which the State had already expended a large amount of money, yet left in such a condition that it could not be used; and although all the work is not yet done which has been subscribed for, and will not be before the ensuing Spring, yet enough has been done to enable the whole line to be travelled, except about two miles in the neighborhood of Mount Pleasant, where the old road can be used until the new one is completed.

There can be no doubt that what has been, and will be done by the next Spring, will increase the travel, and thereby the revenue arising from the same, the surplus of which, in a few years, will redeem all the certificates necessary to be issued.

By an act of the General Assembly, entitled, "An act prescribing certain duties to the commissioners and agents on the public works," approved February 13th, 1843, it is made their duty to report monthly. The undersigned did not deem this act applicable to him, inasmuch as the work under his charge never had been used, therefore it was needless to keep a register of that which did not exist; and he supposes that the Secretary of State had the same view of it, inasmuch as he never forwarded a copy of the act, or at least it never was received. Enclosed is an account current of the amount expended since operations were commenced up to this date, together with vouchers for the same. The work yet to be done will perhaps require some four or five thousand dollars more. The law under which I have acted sets apart nearly all the tolls of the road to redeem the certificates issued and to be issued. It will, then, be necessary for the next Legislature to provide for the keeping of this road in repair. It would be very injurious to those who have nobly stepped forward and given their labor and their means to accomplish this work, to divert any portion of the funds thus pledged to pay them. I have no apprehension that such will be done, and can but recommend that it be laid off into convenient districts, and kept up by supervisors resident of the counties in which it is situated.

There is one other plan which I will also suggest, and I am satisfied it would eventually be to the interest of the State. The State now receives all her revenue in State Scrip. If she would make these certificates receivable for State dues, it would stop the interest, and they would all, at a very early period, be taken up. The surplus, in this event, would then be thrown into the Treasury, which, in a few years, if the road is judiciously managed, must be several thousand dollars per annum. It would only require a few hundred dollars a year to keep it up, and after this winter it will be but little inferior to that

which is metalled from Paoli to New Albany, at any season of the year, and far superior to it in the Summer months and dry seasons. The opening of this piece of road obviates all (or nearly so) of the objections which travellers have heretofore had to the road from Louisville to St. Louis. It will, no doubt, be one of the best thoroughfares in the State of this description, and cannot fail, sooner or later, to yield a revenue to the State. If, then, the management of the whole road was placed under the supervision of one individual, with power to keep it in repair from New Albany to Mount Pleasant, I think it could not cost over fifteen hundred dollars a year.

In the issuing of certificates, I have caused them to be numbered, registered, and countersigned by M. J. Sherman, the acting engineer, a copy of which, with his certificate, is also enclosed. The only exception to this is three certificates for large amounts, numbered from one to three, which is shown on the account before mentioned. These were issued for means subscribed and paid, by the aid of which the workmen were enabled to purchase provisions, &c., without which I am satisfied this piece of work, the use of which has been so much needed, would have been still impassable.

Two persons have been employed to keep this road in repair from White river to the west crossing of Lost river; and one from the last named point to the place where the grade intersects the old road west of Paoli. Their agreement is to keep up their respective portions, by putting gravel, or broken rock, in all places where it becomes soft and cut up by the travel, as well as to keep all the ditches open, bridges repaired, and falling timber removed, should there be any: this is to be done by them from the date of their contract until the 1st of March next; for the western division they are to receive one hundred and forty dollars, and for the eastern division one hundred and thirty-five dollars, one third of which is to be paid in State Scrip or its equivalent, and for the remainder they are to receive certificates. This was found to be absolutely necessary, for without it the road would have been impassable this Winter, and in all probability so damaged by Spring, that a great portion of what has been done the present season would have been lost; but with this labor, and care through the Winter, the road will require but little expense next Summer to keep it in repair. It will be seen, by what has been stated above, the necessity of some legislative action to preserve this road after the 1st of March next; to keep it up by the issue of more certificates could not possibly be thought of, and to take any of the means pledged to redeem those which have been and still are necessary to be issued, would be an injury to those who hold them.

With respect, I am, sir,

Your ob't serv't,

R. A. CLEMENTS,

*Commissioner.*

N. B. Since writing the above, the agent between Paoli and New Albany has deposited two hundred dollars in the New Albany Branch

Bank, which will remain there, with other means, to accrue quarterly from the same source, to meet interest and principal of the certificates issued.

R. A. C., Com.

*Copy of R. A. Clements' Account Current.*

1843.			
May 3.	To cash of H. Turner, agent,	- -	\$150 00
July 1.	To cash of same,	- -	31 37
July 3.	To cash of Vincennes Branch Bank on certificate No. 1,	- -	1,000 00
July 6.	To cash of H. Turner,	- -	2,000 00
Aug. 25.	To certificates issued as per register by comm'r,	- -	3,566 00
Sept. 4.	To cash of Vincennes Branch Bank,	- -	1,000 00
Sept. 15.	To amount of certificates issued by commissioner to subscribers for work,	- -	600 00
Oct. 4.	To certificates issued by commissioner for work done by individuals on road,	- -	120 00
Oct. 20.	Same (certificates) as above,	- -	1,200 00
Nov. 1.	Same (certificates) as above,	- -	270 00
Nov. 13.	Same (certificates) as above,	- -	800 00
Total of receipts by commissioner,			<u>\$10,737 37</u>

*Cr.*

1843.			
Aug. 31.	By amount paid Riley on estimate 1,	- -	\$1,645 80
	By amount paid Riley on estimate 2,	- -	954 54
	By amount paid J. S. Morgan on estimate 3,	- -	893 43
	By amount paid W. H. Green (incidentals),	- -	30 00
	By amount paid H. Turner, interest,	- -	60 00
Sept. 9.	By amount paid M. Riley,	- -	115 25
Sept. 12.	By amount paid J. S. Morgan,	- -	146 12
Sept. 13.	By amount paid J. C. Cooper,	- -	65 00
			<u>\$3,910 72</u>
Sept. 13.	By amount paid to W. Hickman,	- -	5 00
Sept. 20.	By amount paid to J. Kelly,	- -	3 00
	By amount paid to Thomas Riley,	- -	12 00
Sept. 25.	By amount paid to P. A. Gittings,	- -	1,868 34
Sept. 28.	By amount paid to H. M. Barbee,	- -	188 12
	By amount paid to W. B. Grey,	- -	95 62
	By amount paid to James Johnson,	- -	1,601 86
Sept. 21.	By amount paid to M. J. Sherman,	- -	182 84
	By amount paid to J. Holliday,	- -	15 00
	By amount paid to J. C. Wilson,	- -	145 30
	By amount paid to J. H. Pearce,	- -	28 00

Sept. 21.	By amount paid to M. J. Sherman,	-	-	\$35 00
	By amount paid to J. G. Clendenin,	-	-	1,500 00
	By amount paid to Owen McManus,	-	-	164 00
	By amount paid to James Kelly,	-	-	57 75
	By amount paid to John Gill,	-	-	26 00
	By amount paid to — Gill,	-	-	40 00
	By amount paid to Alonzo Riley,	-	-	22 50
	By amount paid for books and papers,	-	-	11 25
	By amount paid for 227 days' service as com-	-	-	
	missioner, at two dollars per day,	-	-	454 00
Total expenditures,				<u>\$10,449 42</u>
Receipts, -				\$10,737 37
Expenditures,				<u>10,449 42</u>
Balance in commissioner's hands, -				<u><u>\$287 95</u></u>

AUDITOR OF STATE'S OFFICE, }  
December 22d, 1843. }

HON. JESSE D. BRIGHT,

*President of the Senate :*

SIR: Enclosed is a copy of the account and report of Henry Turner, agent on the New Albany and Vincennes road between New Albany and Paoli, for the year 1843, which is submitted to the Senate in obedience to their resolution of yesterday. In my annual report I stated that the report of Mr. Turner had not been received in time to be incorporated in it. The same remark is applicable to the report of Mr. Clements, agent on said road between Paoli and Mount Pleasant. It will not, perhaps, be considered out of place to remark, that if the law is continued to allow the commissioners on this work to issue "*Certificates for work subscribed and done on the Road,*" some provision should obtain to secure the State against the possibility of fraud, such, for instance, as is adopted in the issuing of certificates to contractors on the Wabash and Erie canal east of Tippecanoe, viz., that all certificates to be used by the commissioner should first be signed, numbered, and registered by the Auditor and Treasurer of State, and paid out to the commissioner from the Treasury, on requisition or warrant of the Auditor.

Respectfully yours,  
M. MORRIS, A. P. A.

(COPY.)

*Report of HENRY TURNER, Agent on the New Albany and Vincennes Turnpike Road, between New Albany and Paoli.*

At the time the undersigned made his last report the outstanding liabilities of the road were reported at seven hundred and odd dollars, the bills not being in at the time. When all the bills came to be presented, it was found that the amount was considerably more than reported.

The undersigned also stated in his last report that he was of the opinion that there was enough metal prepared, or nearly so, to keep the road in repair for the coming year; but in this he was mistaken. The season being bad, more stone was required than was then supposed, and the estimates fell far short of what has and will be required.

The undersigned has received of D. Armstrong, at gate No. 1, near New Albany, since his last report, from the 1st of Oct. 1842, to the 1st of Nov. 1843,	-	\$1,671 00
Received from J. Sappenfield, at gate No. 2, near Greenville, same period,	-	454 00
Received from B. Turner, at gate No. 3, near Fredericksburgh, same period,	-	958 50
Received from E. Jackson, at gate No. 4, near Paoli, for same period,	-	251 50
Received from J. S. & W. J. Wise, for tolls on account of stage, for one year and a quarter, ending Dec. 1843,	-	375 00
Received from S. Milligan one year's tolls from Paoli to New Albany, ending March, 1843,	-	100 00
Received from Mr. Green one year's tolls from Greenville to New Albany, ending 1st April, 1844,	-	10 00
Total,	-	<u>\$3,820 00</u>

**EXPENDITURES.**

Amount paid on road under old law, since last report, as per vouchers filed, No. 30 to 56,	-	\$2,731 06
The am't paid out for road under new law, as per vouchers No. 1 to 12, herewith filed,	-	970 75
Total expended in repairs, and handed over to comm'ner on west end of road,	-	\$3,701 81
The balance due undersigned at settlement last year,	-	108 12



For services of undersigned from Oct. 1st, 1842, to Feb. 1843—32 days, at two dollars per day,	-	-	64 00
For nine months' services rendered by agent under the new law, up to Nov. 1st, 1843,	-	-	75 00
<hr/>			
Total expenditures,	-	-	\$3,948 93
Take from this receipts as above,	-	-	3,820 00
<hr/>			
Leaving an overpayment by agent of,	-	-	<u>\$128 93</u>

In conclusion, the undersigned will state, that unless the present law shall be so amended as to allow at least 1200 dollars to be expended between New Albany and Paoli, in keeping the road in repair, the same will go to decay and become impassable. The amount of receipts from said road is increasing, and will continue to increase, if the road is kept in repair, but not without.

Respectfully submitted,

HENRY TURNER,

*Agent on New Albany and Vincennes Road.*

*New Albany, Nov. 1st, 1843.*

Mr. Cornett introduced,  
No. 196. A joint resolution in relation to repairs on the State House ;

Read a first and second times, the rules being suspended, and,

On motion of Mr. Herriman,

Laid upon the table.

Mr. Bradley introduced,

No. 197. A joint resolution on the subject of the State House ;

Read a first and second times, the rules being suspended, and,

On motion, laid upon the table.

Mr. Morgan introduced,

No. 198. A bill for the limitation of bonds and promisory notes ;

Read a first time and passed to a second reading.

Mr. Pitcher introduced,

No. 199. A bill to certify a certain cause therein named to the Supreme Court ; and,

On his motion,

The rules were suspended, and the said bill was read three times, and passed.

Mr. Sands moved to take from the table No. 179, a bill to provide for the relinquishing of saline lands in the county of Orange ;

Which motion prevailed ; and,

On the further motion of Mr. Sands,

Said bill was referred to a select committee.

*Ordered,* That Messrs. Sands, Alexander, and Parks constitute said committee.

Mr. Hodge introduced,  
No. 200. A bill to repeal an act therein named, so far as relates to Delaware county;

Read a first and second times, the rules being suspended, and,

On motion of Mr. Defrees,

The county of St. Joseph was added to said bill.

The rules were suspended, and the said bill was read a third time, and passed.

Mr. Defrees moved to amend the title to said bill by adding after "Delaware," "and St. Joseph;"

Which motion prevailed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and also of bill No. 199, and their concurrence therein requested.

Mr. Ritchey, from the committee on canals and internal improvements, made the following report:

**Mr. PRESIDENT:**

The committee on canals and internal improvements, to which was referred the petition of J. H. McTaggart, have considered the same, and report the following bill:

No. 201. A bill to authorize the General Superintendent of the Wabash and Erie canal to correct an error in certificate No. 3836 of purchase of Wabash and Erie canal lands.

On motion of Mr. Ritchey,

The rules were dispensed with, and said bill was read three times, and passed.

Mr. Chapman, from the committee on the judiciary, made the following report:

**Mr. PRESIDENT:**

The committee on the judiciary, to which was referred a bill of the Senate No. 164, have directed me to report the same back to the Senate for its action.

Which bill was read the second time; whereupon,

Mr. Parks moved the following amendment:

"Provided, however, that the persons authorized in this act to erect and build mill dams across the west fork of White river, shall be held and made responsible for any and all losses sustained by any boatmen in crossing the said mill dam." Which was,

On motion, laid upon the table.

Mr. Miller, from the committee on corporations, made the following report:

**Mr. PRESIDENT :**

The committee on corporations, to whom was referred bill of the Senate No. 180, to incorporate the Rushville and Shelbyville Railroad Company, have, according to order, had the same under consideration, and directed me to report the same back, with one amendment, and recommend its passage.

Add as follows :

The stockholders in said corporation shall be individually liable, in a just ratio or proportion of the amount of stock held or subscribed, for all debts incurred or created during their said possession of said stock.

The General Assembly of the State of Indiana shall have the right to alter, amend, or repeal this charter at any time.

Which amendments were not concurred in.

On motion of Mr. Reeve,

The rules were suspended, the said bill was read a third time, and passed.

Mr. Major moved to take from the table No. 354, a bill (of the House) to reduce the expenses of Carroll county ;

Which motion prevailed ; and,

On his further motion,

The rules were suspended, and the said bill was read a third time, and passed.

Mr. Leviston moved to take from the table No. 197, a bill to give effect to an act therein named ;

Which motion prevailed ; and,

On his further motion,

The rules were suspended, and said bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

Mr. Chapman, from the judiciary committee, made the following report :

**Mr. PRESIDENT :**

The judiciary committee, to which was referred the petition of John Haines and others, have directed me to return the same to the Senate and inform it that they have no time to act thereon.

Which report was concurred in, and the committee discharged.

The President laid before the Senate the following communication from George H. Dunn, Superintendent of Common Schools :

OFFICE OF SUPERINTENDENT OF COMMON SCHOOLS, }  
January 12, 1844.

SIR: I herewith present my first report as Superintendent of Common Schools, which please lay before the Senate.

Respectfully, yours, &c.,

G. H. DUNN.

HON. J. D. BRIGHT,

*President of the Senate.*

On motion of Mr. Davis of Daviess,

Said report was laid upon the table and five hundred copies ordered to be printed.

Mr. Cornett, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to which was referred bill of the Senate No. 182, entitled, "A bill to appoint a commissioner to settle with the securities of Samuel Monroe, late school commissioner of Hamilton county," have had the same under consideration, and directed me to report it back to the Senate, with the following amendment, and recommend its passage, viz.:

Strike out all of said bill from the enacting clause, and insert the following:

"That the county commissioners of the county of Hamilton are hereby authorized and empowered to settle with the securities of Samuel Monroe, late school commissioner of said county, so as to give said securities a credit of five years in which to pay the amount due from said school commissioner; provided said securities will give bond and security to the satisfaction of said commissioners, with interest payable annually in advance, at the rate provided for by law on other school funds.

"SEC. 2. Whenever said securities shall have given bond and security as provided for in the first section of this act, and have paid all costs which have accrued on any suit or suits now pending against said school commissioner and his securities, then said suit or suits shall be dismissed.

"SEC. 3. This act to take effect and be in force from and after its passage."

Which amendment was concurred in, and,

On motion,

The rules were suspended, and said bill was read a third time, and passed.

The President laid before the Senate the following communication from Charles W. Cady, Secretary of the Indiana Mutual Fire Insurance Company:

OFFICE OF INDIANA MUTUAL FIRE INSURANCE COMPANY, }  
*Indianapolis, January 13th, 1844,* }

HON. JESSE D. BRIGHT,

*President of the Senate :*

SIR: Enclosed herewith I send you a copy of the Directors' report to the members, at their annual meeting held on the 6th of December last ; it being a provision of our charter that a copy of such report shall be laid before the General Assembly.

Very respectfully,

Your obedient servant,

CHAS. W. CADY, *Sec'y.*

( COPY. )

OFFICE OF INDIANA MUTUAL FIRE INSURANCE COMPANY, }  
*Indianapolis, December 5th, 1843.* }

The Board of Directors of the Indiana Mutual Fire Insurance Company, in obedience to the twenty-second section of the act of incorporation, submit to the members, at their seventh annual meeting, the following

## REPORT

*Of the condition, progress, and affairs of the Company, for the official year commencing December 1st, 1842, and terminating November 30th, 1843.*

Policies have been issued to the number of 177.

Insuring on property to the amount of,	-	-	\$235,020 00
On which the premium notes taken amount to,	-	-	16,322 00
The five per centage on which is,	-	-	816 10
And the sum receivable for policies is,	-	-	177 00

The whole number of policies issued since March 20th, 1837, is 2,729.

Covering property to the amount of,	-	-	\$5,026,810 00
From which has been discharged this sum,	-	-	2,775,450 00

Leaving at risk November, 30th, 1843,	-	-	<u>\$2,251,360 00</u>
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The whole amount of premium notes is,	-	-	\$353,139 15
From which the amount discharged is,	-	-	196,887 45

Leaving in force November 30th, 1843,	-	-	<u>\$156,251 70</u>
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The following table shows the liabilities on account of fire during the last year, including the estimated interest thereon, and the amount of assessment requisite to cover the same, as ordered August 25th, 1843, viz.:

<i>Date.</i>	<i>Name of Assured.</i>	<i>Residence.</i>	<i>Loss and Int't.</i>	<i>Assessment required.</i>
August 31, 1841, November 1, 1842, November 1, 1842, November 1, 1842, November 1, 1842, November 25, 1842, December 22, 1842, March 1, 1843, March 31, 1843, April 4, 1843, July 16, 1843, July 29, 1843,	Drusus Nichols, W. M. & J. P. Elliott, Francis Linnick, Stephen Childs, Bloomfield, Russey, & Jack, J. H. B. & E. Nowland, Joseph L. Sloan, Amzi L. Wheeler, Lot Reagin, N. McNaughtner, William Tate, C. Groverman & Co.,	Lagrange county, Evansville, Evansville, Evansville, Muncietown, Indianapolis, Covington, Plymouth, Bridgeport, Madison, Lawrenceburgh, Terre Haute,	\$27 00 19 80 17 12 11 24 1,281 33 34 36 840 00 3,657 50 553 50 516 58 66 64 1,202 11 \$8,227 18	1 per cent.      1 per cent. 1 per cent. 1 per cent. 1 per cent. 1 per cent.  6 per cent. 1 per cent.
To which add for commissions to agents, &c.,			Total,	7 per cent.

For which said losses drafts have been drawn upon the Treasurer, payable January 1st, 1844.

**RECEIPTS.**

The receipts for the year are as follows :

Balance in treasury Nov. 30th, 1842,	\$4,468 01	
Five per centage on notes,	816 10	
Received for policies,	177 00	
Assessments on discharged notes,	1,614 89	
Interest, discount, and exchange,	103 57	
Profit and loss,	41 00	
Assessment No. 2, Sept. 30, 1839,	12 66	
Assessment No. 3, Sept. 26, 1840,	103 04	
Assessment No. 4, Aug. 11, 1841,	551 05	
Assessment No. 5, July 28, 1842,	13,605 25	
Assessment No. 6, Aug. 25, 1843,	1,536 32	
		<hr/>
		\$23,028 89

**EXPENDITURES.**

The following payments have been made during the year, viz. :

William Patrick, for loss by fire,	\$591 75	
Richard Goss, do.	560 00	
Edwin Fussell, do.	123 13	
W. G. & G. W. Ewing, do.	1,000 00	
Cunningham & Brother, do.	1,105 00	
C. M. Smith, do.	1,360 00	
A. & J. Edwards, do.	5 00	
William Hart, do.	885 00	
Nathaniel West, do.	2,085 00	
Joseph Somes, adm'r, do.	18 00	
Hubbs & Craft, do.	1,250 00	
John Sutton, do.	500 00	
J. B. Martin, adm'r, do.	250 00	
M. L. Pierce, do.	20 00	
Samuel Hanna, do.	1,000 00	
Thorn & Tracey, do.	500 00	
Thomas Folbre, do.	21 00	
Drusus Nichols, do.	27 00	
Matthias Sharpe, do.	450 00	
C. F. Clarkson, do.	510 00	
William Butch, do.	350 00	
Francis Linick, do.	16 00	
Stephen Childs, do.	10 50	
Interest on said losses,	810 94	
		<hr/>
Total losses and interest,	\$13,448 32	
Abatement account,	30 00	
Judgments on premium notes repaid,	24 69	

Profit and loss, - - - -	26 00	
Postages, - - - -	252 77	
Printing, advertising, books, and stationary, -	126 63	
Investigation of losses and agencies, -	56 00	
Costs of suits, - - - -	67 14	
Rent and heat of office, 1842-'3, -	314 00	
Attorneys, for professional services, -	179 72	
Miscellaneous, - - - -	6 44	
Agents for applications, - - - -	139 00	
Agents for commissions, - - - -	559 35	
Secretary, - - - -	1,200 00	
President and treasurer, - - - -	500 00	
Clerk, - - - -	288 00	
Loans, repaid, - - - -	1,850 00	
		<u>\$19,068 06</u>
Leaving a balance Nov. 30, 1843, of - -		<u><u>\$3,960 83</u></u>

## TOTAL RECEIPTS.

(Since March 20, 1837.)

Five per centage receivable on notes, -	\$17,656 95½	
Fees for policies, - - - -	2,729 00	
Assessments on discharged notes, -	7,446 69½	
Loans, to pay losses, - - - -	30,647 60	
Assessment No. 1, ordered Oct. 9, 1838, -	6,359 33	
Assessment No. 2, ordered Sept. 30, 1839, -	15,156 99	
Assessment No. 3, ordered Sept. 26, 1840, -	27,978 96	
Assessment No. 4, ordered Aug. 11, 1841, -	14,706 09	
Assessment No. 5, ordered July 28, 1842, -	19,213 96	
Assessment No. 6, ordered Aug. 25, 1843, -	1,536 32	
Interest on assessments, - - - -	343 03	
Profit and loss, - - - -	47 96½	
Judgments on premium notes, -	195 12	
Miscellaneous items, - - - -	95 25	
		<u>\$144,113 26½</u>

## TOTAL EXPENDITURES.

(Since March 20, 1837.)

Losses and expenses, - - - -	\$109,480 14½	
Judgment on premium notes repaid, -	24 69	
Loans repaid, - - - -	30,647 60	
		<u>\$140,152 43½</u>
Balance November 30, 1843, -		<u>\$3,960 83</u>



# PROGRESS OF THE COMPANY.

The following table exhibits, at the end of each month, the number of policies issued ; amount insured ; of premium notes ; of five per centage ; increase and decrease of amount insured ; amount discharged ; and amount at risk and in force.

Months.	Policies.	Amount Insured.	Premium Notes.	Five per cent.	INCREASE.		DISCHARGED.		At Risk. Am't Ins'd.	In Force. P. Notes.
					Amount Insured.	Premium Notes.	Amount Insured.	Premium Notes.		
December 31, 1842,	2,572	4,810,220	338,249 55	15,912 47½	18,430	1,432 40	2,049,390	144,124 70	2,760,830	194,124 85
January 31, 1843,	2,580	4,821,920	339,267 55	16,963 37½	11,700	1,018 00	2,089,840	147,127 45	2,732,060	192,140 10
February 28,	2,590	4,827,300	339,620 35	16,981 01½	5,380	352 80	2,116,780	149,039 15	2,710,520	190,581 20
March 31,	2,611	4,864,960	342,031 65	17,101 58½	37,660	2,411 30	2,186,910	153,471 60	2,678,050	198,560 05
April 30,	2,630	4,874,310	342,685 15	17,134 25½	9,350	653 50	2,264,440	159,296 55	2,609,870	193,388 60
May 31,	2,638	4,894,990	344,327 75	17,216 38½	20,680	1,642 60	2,356,640	165,568 30	2,538,350	178,759 45
June 30,	2,649	4,907,830	345,261 95	17,263 09½	12,840	934 20	2,419,660	170,880 25	2,488,170	174,371 70
July 31,	2,659	4,931,900	346,647 65	17,342 88½	24,070	1,385 70	2,483,500	176,570 10	2,448,400	170,077 55
August 31,	2,668	4,944,370	347,554 75	17,377 73½	12,470	907 10	2,521,880	178,957 30	2,422,490	168,597 45
September 30,	2,682	4,960,220	348,567 75	17,428 38½	15,850	1,013 00	2,569,920	182,079 20	2,390,300	166,488 55
October 31,	2,703	4,988,210	350,629 75	17,531 48½	27,990	2,062 00	2,623,450	185,444 30	2,364,760	165,183 45
November 30,	2,729	5,026,810	353,139 15	17,656 95½	38,600	2,509 40	2,775,450	196,887 45	2,251,360	156,251 70

## AFFAIRS OF THE COMPANY.

Notwithstanding the severe depression under which all business interests continue, the collections during the past year have been very considerable without coercive measures. While the laws of the state shall virtually prohibit collections of money through her courts, it will be almost useless to institute suits against delinquent members, except in cases where it may be advisable to enforce the Company's lien under the charter for the purpose of securing a debt. It has been found a much better mode to *persuade* than to *enforce*, by the rigorous exaction of law, delinquents into a just observance of their obligations; and, in consequence, the treasurer has not resorted more than possibly consisted with the interests of the Company to oppressive measures. Under amended laws, and the penalties which now attach to all new members, by an amendment of the charter, a great improvement in the collections of the annual assessments will be made. The assessment ordered August 25th, 1843, is but partially paid in, and large balances are still due on the previous assessments of 1842 and 1841. It is hoped that by the 1st of January ensuing, enough will be in the hands of the treasurer to satisfy the immediate and pressing necessities of the holders of drafts.

In behalf of the directors,

JAMES BLAKE, *President*.

Which,

On motion of Mr. Chapman,  
Was laid upon the table.

[The following message was received from the House of Representatives:]

**MR. PRESIDENT:**

I have been directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills and joint resolutions thereof, to-wit:

No. 339. An act for the relief of the heirs of John Talbott, deceased;

No. 280. An act relating to the assessment of canal lands;

No. 310. An act to change a certain part of a state road in the counties of Clay and Owen;

No. 270. An act to change the time of holding probate court in Vanderburgh county;

No. 271. An act to require the Superintendents on the public works to furnish a list of tolls to the Auditor of State;

No. 347. An act to authorize the agent of the surplus revenue of Marion county to sell certain real estate;

No. 309. An act to legalize the proceedings of the probate court and board of commissioners of Miami county, and for other purposes;

No. 283. An act to establish an additional place of holding elections in Jackson township, in the county of Washington ;

No. 288. An act authorizing the election of certain officers in the town of Indianapolis ;

No. 273. An act to repeal a part of the militia law ;

No. 320. An act to amend the — article of the forty-second chapter of the Revised Statutes of 1843 ;

No. 291. An act to incorporate the Union Evangelical or Lutheran and German Reformed Church in Indianapolis ;

No. 379. A joint resolution for the relief of William Willard ;

No. 356. An act to incorporate the Union Mill Company, in LaPorte county ;

No. 360. An act to amend a certain act therein named ;

No. 352. An act to vacate a part of a state road in Tippecanoe county ;

No. 327. An act for the relief of Henry Ingle ;

No. 349. An act supplementary and amendatory to the 96th and 97th sections of the common school law, providing for weak districts (in the late revision) ;

No. 336. An act to elect an additional constable in Ladoga, Montgomery county ;

No. 323. A joint resolution concerning the law of this state relating to real estate ;

No. 322. An act in relation to sales of lands mortgaged for loans of college funds and sinking funds ;

No. 382. An act changing a county road therein named to a state road ;

No. 303. An act relative to the assignment of canal land certificates ;

No. 306. An act vacating an alley in the city of Fort Wayne ;

No. 295. An act for the relief of the heirs and legal representatives of James Shoemaker, deceased ;

No. 308. An act authorizing the county commissioners of the county of Owen to settle with Joseph E. Moore ;

No. 301. An act supplemental to an act approved February 10th, 1843, relative to water power at Pittsburgh ;

No. 286. An act changing the sessions of the county boards ;

No. 299. An act changing and relocating certain state roads in Delaware county ;

No. 378. An act to vacate the town of Savannah, in the counties of Rush and Shelby ;

No. 377. An act for the relief of John Houghton of Marshall county ;

No. 313. An act for the benefit of the school fund of Cass county ;

No. 315. An act to locate a state road from Gosport in Owen county to Columbus in Bartholomew county ;

No. 317. A joint resolution in relation to international literary exchanges ;

No. 366. An act to incorporate the Frankfort Railroad Company ;

No. 372. An act to change the name of Boxley town, in Hamilton county ;

No. 370. An act for the relief of Benjamin H. Scott ;

No. 373. An act creating a change in a state road therein named ;

No. 374. An act authorizing a special term of the Vigo circuit court ;

No. 375. An act declaring a certain county road a state road in the county of Clay ;

No. 381. An act defining the duties of the justices of the peace in Owen county ;

No. 387. An act for the relief of Turner Nelson and others ;

No. 386. An act to repeal in part a certain law therein named ;

No. 390. An act relative to justices of the peace in Posey county ;

No. 266. An act to reinstate the recorder of Noble county ;

No. 144. An act to reduce the tolls on the New Albany and Vincennes road, and for other purposes ;

No. 367. An act for the relief of Jason Ham ;

No. 383. An act to repeal an act making it the duty of county auditor to publish the delinquent lands in newspapers in certain counties therein named ;

No. 384. An act authorizing Samuel Cooper and Henry Ward to keep a certain mill dam in the county of Kosciusko ;

No. 385. An act providing for opening roads and highways in Hancock county ;

No. 230. An act to incorporate the Michigan Road Company ;

No. 388. An act concerning indictments in Scott county ;

In which the concurrence of the Senate is respectfully requested.

The House has also passed engrossed bills of the Senate, without amendment, as follows, to-wit :

No. 31. A joint resolution relative to the State Bank of Indiana ;

No. 83. An act for the relief of Delaware county ;

No. 91. An act providing for the location of a state road in the counties of Noble and Lagrange ;

No. 79. An act to legalize the appointment of school commissioner for the county of Steuben ;

No. 139. An act to allow the assessor of the county of Shelby to qualify ;

No. 137. An act to revive an act entitled, "An act to establish a board of trustees of the county library of the county of Marion," approved February 11th, 1843 ;

No. 154. An act to change a state road in Daviess county ;

No. 157. An act to transfer the books, papers, and vouchers of Michigan road commissioner's office to the office of Auditor of State ;

No. 136. An act for the relief of George Augustus Spilker, of Delaware county ;

No. 140. An act supplemental to an act to incorporate the trustees of Madison University, passed at the present session ;

No. 111. An act to relocate the seat of justice of Noble county ;

No. 88. An act to provide for the appointment of a county auditor and school commissioner for the county of Perry ;

No. 119. A bill to repeal "an act to incorporate the trustees of Hanover academy," and an act entitled, "an act to amend an act to incorporate the trustees of Hanover academy," approved January 1st, 1834, and for other purposes (with one amendment) ;

No. 120. An act incorporating the town of South Bend, St. Joseph county, Indiana ;

In which amendments the concurrence of the Senate is respectfully requested.

The House has concurred in the amendment of the Senate to bill of the House,

No. 6. A bill to abolish the office of county auditor in the county of Warrick, and for other purposes.

The following message was also received by Mr. English :

**Mr. PRESIDENT :**

I have been directed by the House of Representatives to inform the Senate that the House has passed engrossed bills of the Senate of the following titles, to-wit :

No. 162. An act for the relief of the commissioners of school fund in township No. 8, in Monroe county ;

No. 169. An act to incorporate the College Corner and Liberty Turnpike Company, and the Liberty and Abington Turnpike Company ;

No. 127. An act to vacate a certain alley in the city of Lafayette ;

No. 172. An act to provide for the election of a justice of the peace in the town of Ferdinand in Dubois county ;

No. 125. An act to legalize the assignment of the school commissioner of Marshall county to certain land by him sold to Matthew Hall ;

No. 171. An act to change the name of Aaron Dyer Bull to that of Aaron Dyer ;

No. 148. An act extending the benefit of the valuation laws to judgment debtors to the surplus revenue, and giving additional time to such persons for the payment of the same ;

No. 167. An act to authorize Stephen Stenbarger to erect a mill dam across the Mississinewa river ;

No. 166. An act relating to road labor in the town of Spartansburgh, in the county of Randolph ;

No. 165. An act for the relief of Patrick Justice, of Delaware county ;

No. 150. An act to extend the time of holding the circuit court in the county of Ripley, and to change the time of holding the same in the counties of Jennings, Jefferson, Switzerland, and Dearborn ;

No. 109. An act to incorporate the First Regular Baptist Church of Lafayette ;

No. 103. An act to abolish the fee for issuing patents to purchasers of Wabash and Erie canal lands ;

No. 126. An act to vacate the town of Northampton, in the county of Harrison ;

No. 67. An act to establish a state road in Miami county ;

No. 96. An act to authorize the issuing of a patent for a part of a lot of canal land ;

No. 129. An act to change the mode of selecting petit jurors in the county of Lawrence, and for other purposes ;

No. 100. An act to legalize the election of probate judge in Boone county ;

No. 101. An act to amend the 15th chapter of the Revised Statutes, and to repeal the 83d and 98th section of the same ;

No. 99. An act to amend an act entitled, 'an act for opening and repairing roads and highways in the counties of Gibson and Pike,' approved January 31st, 1842 ;

No. 104. An act to repeal an act therein named ;

No. 128. An act to extend the provisions of an act therein named in Delaware county ;

No. 107. An act to authorize the circuit court of Gibson county to grant a divorce in a certain case therein named ;

No. 108. An act to amend an act entitled, "An act providing for the summoning and empannelling jurors in the counties of Delaware, Grant, Scott, Franklin, Floyd, and Union," approved January 23d, 1843 ;

No. 147. An act fixing the time of holding the courts in the ninth judicial circuit ;

No. 115. An act for the relief of Abraham Perkins, of Daviess county ;

No. 114. An act to legalize the marriage of Oliver W. Sanger and Catharine, his wife ;

No. 118. An act to legalize the proceedings of the board doing county business for the county of Gibson ;

No. 158. An act to legalize the recording the delinquent list of lands and town lots in the county of Gibson ;

No. 131. An act to incorporate the Lafayette Blues, in Tippecanoe county, Indiana ;

No. 146. An act to provide for a special session of the circuit court of the county of Jefferson.

The House has also passed the joint resolution of the Senate as follows, to-wit :

No. 133. A joint resolution in relation to the completion of the Wabash and Ohio canal.

The House has concurred in the amendments of the Senate to the following bills and joint resolution of the House, viz. :

No. 290. An act incorporating the Delphi Water Works Company ;

No. 54. An act to declare the Mississinewa river a public highway ;

No. 37. An act to amend an act entitled, 'an act providing for the incorporation of towns:'

No. 272. An act investing the duties of school commissioner in the county treasurer in certain counties;

No. 91. A joint resolution relating to an armory on the Western waters.

The House has passed engrossed bill and joint resolution of the Senate as follows:

No. 174. An act to enable forwarding and commission merchants to enforce liens (with one amendment);

No. 173. A joint resolution suspending a certain act therein named (with one amendment).

Mr. Wilber, from a select committee, made the following report:

**Mr. PRESIDENT:**

The select committee to which was referred bill of the Senate No. 177, a bill to amend an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter, have had the same under consideration, and have instructed me to report the same back with the following amendments:

Amend the second section by adding,

"The common council is hereby authorized, &c."

Strike out the third section and insert an entire new section.

Which, when so amended, recommend its passage.

Which amendments were concurred in, and,

The rules being suspended, the said bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

The following message was received from the House of Representatives, by Mr. Hurlbut, a member thereof:

**Mr. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed bill of the Senate entitled,

No. 71. A bill to amend an act entitled, 'an act to organize the militia of Indiana,' approved February 10th, 1841, and to revive and amend the laws authorizing the formation of companies of independent militia by voluntary enlistment;

Without amendment.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk:

**Mr. PRESIDENT:**

I am directed to inform the Senate that the committee of free conference heretofore appointed on the part of the House having failed to

agree on the matter referred to them, in reference to a disagreement between the two Houses on

No. 13. A joint resolution explanatory of an act entitled, "An act for the relief of Jesse J. Burton and Joseph Luther," approved February 2d, 1843; and an act entitled, "An act for the relief of Nathan Burchfield," approved February 11th, 1843; and for other purposes,

The Speaker has appointed a second committee, on the part of the House, composed of Messrs. Clark of Tippecanoe and Engle.

Mr. Orth introduced,

No. 202. A bill for the relief of William N. Duzan; and,

On his motion,

The rules were suspended, and said bill was read three times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

The following message was received from the House of Representatives, by Mr. Gorman, a member:

Mr. PRESIDENT:

The House of Representatives has passed the following engrossed bill thereof, to-wit:

No. 321. A bill relative to tax titles;

In which the concurrence of the Senate is respectfully requested.

The following message was received from the House of Representatives, by Mr. Ferry, a member thereof:

Mr. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that they have passed bill of the House,

No. 358. A bill to exclude certain real estate from the incorporation of Michigan City, and to vacate an addition to said city;

In which I am directed to ask the concurrence of the Senate.

Which bill was read three times, the rules being suspended therefor, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 126. A bill (of the House) regulating the tolls on the Wabash and Erie canal;

Read a second time; whereupon,

Mr. Read moved to recommit said bill with instructions.

Mr. Davis of Floyd moved to lay both bill and instructions upon the table.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Burke, Cotton, Davis of Daviess, Defrees, Dobson, Farmer, Hutton, Jones,



Miller, Moore, Orth, Parks, Pitcher, Reeve, Reyburn, Shanks, Todd, and Walpole—24.

*Those who voted in the negative are,*

Messrs. Carr of Lawrence, Cornett, Duzan, Ewing, Herriman, Hodge, Hoover, Kennedy, Leviston, Major, Mitchell, Morgan, Pennington, Read, Ritchey, Sands, Sinclear, Stanford, Tannehill, Wilber, and Wood—21.

So said bill and instructions were laid upon the table.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

**Mr. PRESIDENT :**

The Speaker of the House of Representatives having signed the following enrolled bills and joint resolutions of the Senate, I am instructed to bring them to the Senate for the signature of its President, to-wit :

No. 108. An act to amend an act entitled, ' an act providing for the summoning and empannelling grand and petit jurors in the counties of Delaware, Grant, Scott, Franklin, Floyd, and Union,' approved January 23d, 1843 ;

No. 148. An act extending the benefit of the valuation laws to judgment debtors to the surplus revenue, and giving additional time to such persons for the payment of the same ;

No. 96. An act authorizing the issuing of a patent for a part of a lot of canal land ;

No. 162. An act for the relief of the borrowers of school funds in township number eight in Monroe county ;

No. 171. An act to change the name of Aaron Dyer Bull, in Franklin county ;

No. 147. An act fixing the time of holding the courts in the ninth judicial circuit ;

No. 179. An act relative to the establishment of ferries ;

No. 172. An act to provide for the election of a justice of the peace in the town of Ferdinand, in Dubois county ;

No. 127. An act to vacate an alley in the city of Lafayette, Tippecanoe county, Indiana ;

No. 158. An act to legalize the recording of the delinquent list lands and town lots in the county of Gibson ;

No. 32. An act to vacate the western division of the town of Palmyra in the county of Harrison ;

No. 106. An act to repeal a certain act therein named ;

No. 185. A joint resolution in relation to the purchase of water-tight hemp for the United States Navy ;

No. 9. An act to incorporate the Brothers of St. Joseph, at South Bend, St. Joseph county, Indiana ;

No. 150. An act to extend the time of holding the circuit court in the county of Ripley, and to change the times of holding the same in the counties of Jennings, Jefferson, Switzerland, and Dearborn;

No. 125. An act legalizing the assignment of the certificate of the school commissioner of Marshall county to certain land by him sold to Matthew Hall;

No. 101. An act to amend the 12th chapter of the Revised Statutes, and to repeal the 83d and 95th sections of the same;

No. 109. An act to incorporate the First Regular Baptist Church of Lafayette, in Tippecanoe county, Indiana;

No. 133. A joint resolution in relation to the completion of the Wabash and Ohio canal;

No. 18. An act for the relief of purchasers of school lands;

No. 100. An act to legalize the election of probate judges in Boone county;

No. 166. An act relating to road labor in the town of Spartansburgh, in the county of Randolph;

No. 169. An act to incorporate the College Corner and Liberty Turnpike Company, and the Liberty and Abington Turnpike Company;

No. 107. An act to authorize the circuit court of Gibson county to grant a divorce in a certain case therein named;

No. 181. An act to repeal certain acts therein named in relation to the seminary and library in the county of Crawford;

No. 146. An act to provide for a special session of the circuit court in the county of Jefferson;

No. 104. An act to repeal an act therein named;

No. 126. An act to vacate the town of Northampton, in the county of Harrison;

No. 99. An act to amend an act entitled, 'an act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike,' approved January 31st, 1842;

No. 129. An act to change the mode of selecting petit jurors in the county of Lawrence, and for other purposes;

No. 128. An act to extend the provisions of an act therein named to Delaware county;

No. 115. An act for the relief of Abraham Perkins, of Daviess county;

No. 67. An act to establish a state road in Miami county;

No. 114. An act to legalize the marriage of Oliver W. Sanger and Catharine his wife;

No. 178. An act for the relief of the purchasers of school lands in Delaware, Randolph, Lagrange, Noble, Steuben, and De Kalb counties;

No. 183. An act for the relief of John Houghton, of Marshall county;

No. 120. An act incorporating the town of South Bend, in St. Joseph county, Indiana;

No. 165. An act for the relief of Patrick Justice, of Delaware county;

No. 118. An act to legalize the proceedings of the board of justices of Gibson county.

Whereupon, the President signed the same.

Mr. Walpole moved to make the revenue bill the special order of the day;

Which motion prevailed; whereupon,

On his further motion,

The Senate resolved itself into a committee of the whole, and took under consideration the said bill.

After spending some time therein, the committee rose, and Mr. Walpole, the chairman, reported sundry amendments thereto, and requested the concurrence of the Senate therein.

Which amendments were concurred in by the Senate.

Mr. Chapman moved a reconsideration of the vote upon concurring in the said report of the committee of the whole.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Alexander, Buell of Warren, Burke, Chapman, Duzan, Ewing, Hodge, Hutton, Jones, Kennedy, Morgan, Orth, Reyburn, Walpole, and Wilber—15.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Bradley, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Farmer, Herriman, Hoover, Leviston, Major, Miller, Mitchell, Moore, Parks, Pennington, Pitcher, Read, Reeve, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, and Wood—31.

So said vote was not reconsidered.

Mr. Morgan moved to amend as follows:

"Except the sum of one hundred and twenty-five dollars to all heads of families, the value of whose property does not exceed that sum."

Mr. Ewing moved to lay said amendment upon the table.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Ewing, Miller, Orth, Pennington, Read, Reeve, Sands, Shanks, Stanford, and Tannehill—21.

*Those who voted in the negative are,*

Messrs. Chapman, Duzan, Farmer, Herriman, Hodge, Hutton, Jones, Kennedy, Leviston, Major, Mitchell, Morgan, Parks, Pitcher, Reyburn, Ritchey, Sinclear, Todd, Walpole, and Wood—20.

So said amendment was laid upon the table. \*

Mr. Bradley moved the following amendment :

“Strike out all that part of the bill which repeals the law of last year, excepting one hundred and twenty-five dollars' worth of property from taxation.”

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Chapinan, Cotton, Davis of Floyd, Duzan, Ewing, Herriman, Hodge, Hoover, Hutton, Morgan, Orth, Parks, Reyburn, Ritchey, Sinclear, and Walpole—16.

*Those who voted in the negative are,*

Messrs. Alexander, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Daviess, Farmer, Kennedy, Major, Miller, Mitchell, Moore, Orth, Pennington, Pitcher, Read, Reeve, Sands, Shanks, Stanford, Tannehill, Todd, Wilber, and Wood—23.

So said amendment was not adopted.

Mr. Buell of Warren offered the following amendment :

“That the property of all persons who are heads of families, and whose property does not exceed the value of one hundred and twenty-five dollars, which shall be exempted from taxation.”

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Berry, Buell of Warren, Chapman, Cornett, Davis of Floyd, Dobson, Duzan, Hodge, Hutton, Kennedy, Major, Moore, Morgan, Pitcher, Todd, Walpole, and Wood—17.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Davis of Daviess, Defrees, Herriman, Hoover, Miller, Mitchell, Orth, Parks, Pennington, Read, Sands, Shanks, Stanford, and Tannehill—19.

So said amendment was not adopted.

Mr. Cornett moved the following amendment :

“That one cent on the hundred dollars be levied as a fund with which to erect a lunatic asylum.”

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Alexander, Berry, Bradley, Buell of Warren, Burke, Carr of Jackson, Chapman, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Ewing, Hodge, Miller, Orth, Parks, Read, Reyburn, Ritchey, Sands, Shanks, Sinclear, Todd, and Walpole—24.

*Those who voted in the negative are,*

Messrs. Carr of Lawrence, Duzan, Herriman, Hoover, Hutton, Mitchell, Morgan, Pennington, Stanford, Tannehill, and Wood—11.

So said amendment was adopted.

On motion,

Said amendments were considered engrossed, and the said bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed thereof, and their concurrence requested in said amendment.

The following message was received from the House of Representatives by Mr. Hurlbut, a member thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed bill of the Senate No. 94, entitled, "A bill authorizing and directing supervisors of public roads and highways to make their returns to the board of commissioners of their respective counties at the June term thereof," with one amendment, in which amendment the concurrence of the Senate is respectfully requested.

The House have also passed bill of the Senate No. 200, entitled, "A bill to repeal an act therein named, so far as the same relates to Delaware and St. Joseph counties," without amendment.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk:

MR. PRESIDENT:

I have been directed by the House of Representatives to inform the Senate that the House of Representatives insists on its amendment to the amendment of the Senate to bill of the House No 180, "An act abolishing the office of county auditor in certain counties therein named," and that Messrs. Nutter and Dowling are appointed a committee of free conference on the part of the House.

The following message was received from the House of Representatives by Mr. O'Neill, a member:

Mr. President :

I have been directed by the House of Representatives to inform the Senate that the House has concurred in the 1st and 3d amendments of the Senate to engrossed bill of the House No 180, "An act abolishing the office of county auditor in certain counties therein named."

The House has also concurred in the 2d amendment of Senate to said bill as far as Washington county is concerned, but not as to the counties of Carroll and Union.

The House also refuses to concur in the 4th amendment of Senate to said bill.

Mr. Dobson moved that the Senate recede from their amendment to said bill ;

Which motion was negatived.

Mr. Walpole moved that the Senate insist thereon.

Which motion prevailed.

Mr. Major moved that the Senate recede from their amendment, so far as relates to Carroll county ;

Which motion prevailed.

The President laid before the Senate the following communication from His Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
January 13th, 1844. }

*To the President of the Senate :*

SIR: It has on this day been certified to me by the Assistant Clerk of the House of Representatives, that the following preamble and resolution were this day adopted by that body, that is to say :

"Whereas, a bill of the Senate, No. 57, entitled, "An act authorizing the recorder of Lagrange county to perfect the records of said county," was by a vote of this House laid on the table, and so entered upon the Journal: And, whereas, by mistake said bill was certified as passed, and returned to the Senate: Therefore,

Be it resolved, That His Excellency the Governor be requested to withhold his approval of said bill, or otherwise arrest the operation thereof."

It will be seen that the bill in question was, by a message of yesterday to the Senate, stated to have been approved by me, being then ignorant of the existence of the mistake referred to.

Under these circumstances, it is respectfully suggested for consideration, whether the message referred to shall not be returned to the Executive as the best means of affecting the object of the House of Representatives, as made known in said resolution, by cancelling the Executive approval within the five days allowed by the constitution to the Governor for his approval or disapproval of bills, and enabling

him to return the bill to the Legislature, for the purpose of cancelling the signatures of the presiding officers, and to take such other action on the bill as may be deemed proper.

Very respectfully,

Your obedient servant,

JAS. WHITCOMB.

Mr. Walpole moved that the Secretary of State be directed to return to the Senate said bill referred to in the communication from His Excellency the Governor ;

Which motion prevailed.

Messrs. Defrees and Chapman were appointed a committee of free conference to take into consideration the disagreement of the two Houses to the amendments of the House of Representatives to No. 8, "A bill to incorporate the University of Notre Dame du Lac, St. Joseph county ;"

On motion,

The Senate concurred in the amendments of the House of Representatives to bill of the Senate No. 111, entitled, "A bill —"

Mr. Reeve, from the committee on enrolled bills, made the following report, which was concurred in :

Mr. PRESIDENT :

The committee on enrolled bills have presented to His Excellency the Governor, for his approval, the following enrolled bills of the Senate, to-wit :

No. 86. An act extending the provisions of "An act to amend an act entitled an act to provide for a more uniform mode of doing township business in the several counties therein named, approved February 17, A. D. 1838, approved February 11, 1843," to the county of Kosciusko ;

No. 201. An act to incorporate the Porter County Manufacturing Company ;

No. 224. An act for the relief of justices of the peace ;

No. 282. An act regulating the road law in the county of War-  
rick ;

No. 111. An act to relocate the seat of justice of Noble county ;

No. 289. An act in relation to road tax in the town of Laporte ;

No. 52. An act concerning marks and brands ;

No. 117. An act correcting a discrepancy in the stray law ;

No. 234. An act to locate a State road on the line between the counties of Lagrange, Steuben, Noble, and De Kalb ;

No. 276. An act declaring a misprint in the Revised Statutes of 1843 ;

No. 113. An act to amend "An act to authorize the commissioners of Elkhart, Kosciusko, and Whitley counties to equalize the appraisement of real estate in said counties, approved February 13, 1843 ;

No. 109. An act changing the name of Henry Howell to Henry Rittenour ;

No. 34. An act regulating the boundaries of the counties of Warrick and Gibson ;

No. 106. An act for the encouragement of domestic manufactures ;

No. 6. An act to abolish the office of county auditor in the county of Warrick ;

No. 83. An act for the relief of Delaware and Grant counties ;

No. 31. A joint resolution relative to the State Bank of Indiana ;

No. 72. An act to legalize the appointment of a school commissioner for the county of Steuben ;

No. 157. An act to transfer the books, papers, and vouchers of Michigan road commissioner's office in the office of Auditor of State ;

No. 154. An act to change a State road in Daviess county ;

No. 167. An act to authorize Stephen Stenbarger to erect a mill dam across the Mississinewa river ;

No. 139. An act to allow the assessor of the county of Shelby to qualify ;

No. 136. An act for the relief of George Augustus Spilker, of Delaware county ;

No. 103. An act abolishing the fees for issuing patents to purchasers of Wabash and Erie Canal lands ;

No. 137. An act to revive an act entitled "an act to establish a board of trustees of the county library of the county of Marion," approved Feb. 11, 1843 ;

No. 88. An act to provide for the appointment of a county auditor and school commissioner for the county of Perry ;

No. 91. An act providing for the location of a State road in the counties of Noble and Lagrange.

On motion,

The Senate refused to concur in the amendments of the House of Representatives to the following joint resolution and bill of the Senate, to-wit :

No. 173. A joint resolution (of Senate) suspending an act therein named ; and

No. 119. A bill to repeal "an act to incorporate the trustees of the Hanover Academy," and "an act to incorporate the trustees of Hanover Academy," approved Jan. 1st, 1834.

On motion of Mr. Sands,

*Resolved*, That the House of Representatives be respectfully requested to return to the Senate No. 106, a bill of the Senate for correction, there being an error therein.

On motion,

The Senate adjourned.



*† past 1 o'clock, P. M.*

The Senate assembled.

On motion,

The Senate concurred in the amendment of the House of Representatives to

No. 66. A bill to secure the payment into the State Treasury of such funds as are collected by the county treasurers.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

MR. PRESIDENT :

I have been directed by the House of Representatives to inform the Senate that the House has passed engrossed bills and joint resolutions thereof of the following titles, to-wit :

No. 351. An act relating to the surplus revenue fund in the counties of Blackford and Jay ;

No. 363. An act in relation to the surplus fund ;

No. 58. An act reviving "an act amendatory of an act entitled an act for the relief of settlers on the Wabash and Erie canal lands, approved February 24th, 1840 ;

No. 341. An act to detach certain territory from the county of Miami, and attach the same to the county of Fulton ;

No. 335. An act relative to certain public ground in the town of Wabash, and the use and improvement of the water power at the lock on the Wabash and Erie Canal at said town ;

No. 337. An act to establish a State road from Little York, in Washington county, to New Providence, in Clark county ;

No. 338. An act to incorporate the Richmond Turnpike Company, and for other purposes ;

No. 343. An act for the relief of the heirs of Samuel Howard, deceased ;

No. 328. An act to authorize the township trustees of town 25, range 2 west, to lease the school lands belonging to the school section of said township in Carroll county ;

No. 361. An act to provide for summoning jurors in Lagrange circuit and probate courts ;

No. 255. An act to authorize the auditor of Hendricks county to become the purchaser of real estate in certain cases therein named ;

No. 262. An act in relation to awards ;

No. 357. An act for the relief of purchasers of school lands in Monroe county ;

No. 348. An act to provide for the election of a school commissioner in Russell township, Putnam county ;

No. 345. An act to amend an act entitled an act to provide for the payment of expenses incurred for the protection of the school funds and for other purposes, approved February 11, 1843;

No. 237. An act to incorporate Warren County Canal Company;

No. 342. An act to reduce the prices paid for ferriages in Lawrence county;

No. 344. An act to repeal a portion of "an act relative to suits against Miami Indians;"

No. 340. An act to vacate a part of the town of Independence, in the county of Warren;

No. 329. An act for removing obstructions in Buck Creek, in Henry county;

No. 392. An act to locate a certain State road therein named;

No. 368. An act to locate certain State roads therein named, and for other purposes;

No. 397. An act to declare a certain road therein named a State road in Wabash county;

No. 407. An act permitting a dry dock at Wabash;

No. 406. An act for the relief of Aquilla Rogers, agent of the three per cent. fund of Monroe county;

No. 394. An act to vacate the town of Otsego, and for other purposes;

No. 404. A bill to change a certain part of a State road in Clay county;

No. 400. A joint resolution providing that each member of this General Assembly shall be entitled to a copy of the Revised Laws of this State;

No. 402. An act to locate a State road in the counties of Porter and Lake;

No. 405. An act for the relief of Dowling & Cole, State Printers;

No. 380. A joint resolution relative to the liquidation of the State debts of Indiana;

No. 246. An act to amend the road law;

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 351, 363, 335, 337, 343, 328, 261, 255, 262, 257, 348, 345, 237, 342, 344, 340, 329, 392, 397, 407, 406, and 402, in said message contained, were each read three several times, the rules being suspended therefor, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 368. A bill (of H. R.) to locate a certain State road therein named, and for other purposes; was

Read a first and second times, the rules being suspended, and

On motion of Mr. Dobson,

Referred to the committee on roads.

No. 338. A bill (H. R.) to incorporate the Richmond Turnpike Company, and for other purposes; was

Read a first and second times, the rules being suspended; whereupon,

Mr. Chapman moved to refer it to the committee on corporations;  
Which motion did not prevail.

On motion of Mr. —

The rules were suspended, and said bill read a third time and passed.

No. 332. A bill (of H. R.) to locate a State road in the county of Allen;

No. 333. A bill (H. R.) the better to improve the leading roads in the counties of Allen, De Kalb, and Wells;

On motion,

The rules were suspended, and said bills No. 332 and 333, were each read three several times, and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Chapman moved that the Senate refuse to concur in the amendment of the House of Representatives to

No. 174. A bill to enable forwarding and commission merchants to enforce liens;

Which motion prevailed.

No. 363. A bill (H. R.) in relation to the surplus revenue fund;  
Read a first and second times, the rules being suspended, and,

On motion of Mr. Chapman,

Laid upon the table.

No. 187. A bill (H. R.) giving further time to the assessor of Montgomery county;

Was read a first and second times, the rules being suspended; whereupon,

Mr. Orth moved to strike out "Montgomery county," and make the law general;

Which motion prevailed; and,

On motion of Mr. Orth,

The rules were suspended, said amendment was considered engrossed, and the bill was read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof, and their concurrence requested in said amendment.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk:

Mr. PRESIDENT:

I have been directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

No. 411. An act to vacate certain State roads therein named;

No. 409. An act to amend an act entitled "an act to confine voters to their respective townships, &c. ;

No. 410. An act to amend the practice of law in the Allen circuit court, and for other purposes;

No. 396. An act for the benefit of John Yount and Philip Weaver;

No. 395. An act for the relief of Jacob Daringer;

No. 412. An act repealing so much of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," so far as the same relates to the county of Clay;

No. 153. An act to amend an act entitled "an act to provide for the keeping of the State House and Library," app. Feb. 2d, 1841;

No. 311. An act to revive "an act to incorporate the Lagro and Manchester Turnpike Company;

No. 391. An act making specific appropriations for the year 1844;

In which the concurrence of the Senate is respectfully requested.

The following message was also received from the House of Representatives:

**Mr. President:**

I am directed to inform the Senate that the House has also concurred in engrossed bill of the Senate as follows, to-wit:

No. 66. An act the better to secure the payment of the revenue into the State Treasury in such funds as are collected by the county treasurers;

With two amendments, in which the concurrence of the Senate is respectfully requested.

The House has also concurred in the amendments of the Senate to the following engrossed bills of the House, viz:

No. 109. An act to change the name of Henry Bragg to the name of Henry Rittenour, and for other purposes;

No. 120. An act to provide for the relocation of the seat of justice of the county of Martin.

Mr. Reeve, from the committee on enrolled bills, made the following report:

**Mr. President:**

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find the same correctly enrolled, to-wit:

No. 67. An act to establish a State road in Miami county;

No. 129. An act to change the mode of selecting petit jurors in the county of Lawrence, and for other purposes;

No. 99. An act to amend an act entitled "an act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike," approved January 31st, 1842;

No. 128. An act to extend the provisions of an act therein named to Delaware county;

No. 115. An act for the relief of Abraham Perkins of Daviess county;

No. 114. An act to legalize the marriage of Oliver W. Sanger and Catharine his wife;

No. 32. An act to vacate the Western addition of the town of Palmyra, in the county of Harrison ;

No. 18. An act for the relief of purchasers of school lands ;

No. 178. An act for the relief of the purchasers of school lands in Delaware, Randolph, Lagrange, Noble, Steuben, and De Kalb counties ;

No. 183. An act for the relief of John Houghton of Marshall county ;

No. 120. An act incorporating the town of South Bend, St. Joseph county, Indiana ;

Mr. Chapman moved to suspend the order of business to take up engrossed bill of the House of Representatives

No. 391. A bill making specific appropriations for the year 1844 ;  
Which motion did not prevail.

No. 394. A bill (of H. R.) to vacate the town of Otsego, and for other purposes ;

Was read a first and second times, the rules being suspended ; and

On motion of Mr. Miller,

Laid upon the table.

No. 404. A bill (H. R.) to change a certain part of a State road in Clay county ;

Was read three several times, the rules being suspended, and, the question being, Shall it pass?

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Floyd, Defrees, Herriman, Hodge, Hoover, Hutton, Jones, Leviston, Major, Mitchell, Moore, Orth, Pitcher, Reeve, Shanks, Sinclear, Tannehill, Todd, Walpole, and Wood—29.

*Those who voted in the negative are,*

Messrs. Carr of Lawrence, Davis of Daviess, Farmer, Miller, Morgan, Parks, Pennington, Reyburn, Ritchey, and Sands—10.

So said bill passed.

*Ordered,* That the House of Representatives be informed thereof.

Mr. Herriman, from the committee on roads, made the following report :

MR. PRESIDENT :

The committee on roads, to whom was referred bill of the House of Representatives No. 368, a bill to locate a certain state road therein named, and for other purposes, have had the same under consideration, and instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the said bill was read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Orth moved that a committee of free conference be appointed on the part of the Senate to act with a similar committee on the part of the House, to take into consideration the disagreement of the two Houses relative to No. 173, a joint resolution suspending a certain act therein named ;

Which motion prevailed.

*Ordered*, That Messrs. Orth and Chapman constitute said committee.

No. 405. A bill (of the House) for the relief of Dowling & Cole, State Printers ;

Read three times, the rules being suspended, and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Reeve, from the committee on enrolled bills, made the following report :

**Mr. PRESIDENT :**

The committee on enrolled bills have compared the following enrolled with the engrossed bills and joint resolutions of the Senate, and find the same correctly enrolled, viz. :

No. 9. An act to incorporate the Brothers of St. Joseph, at South Bend, St. Joseph county, Indiana ;

No. 106. An act to repeal a certain act therein named ;

No. 185. A joint resolution in relation to the purchase of water-rotted hemp for the United States Navy ;

No. 150. An act to extend the time of holding the circuit court in the county of Ripley, and to change the times of holding the same in the counties of Jennings, Jefferson, Switzerland, and Dearborn ;

No. 190. An act to incorporate the First Regular Baptist Church of Lafayette, in Tippecanoe county, Indiana ;

No. 101. An act to amend the 15th chapter of the Revised Statutes, and to repeal the 83d and 98th section of the same ;

No. 125. An act legalizing the assignment of the certificate of the school commissioner of Marshall county to certain land by him sold to Marshall Hall ;

No. 147. An act fixing the time of holding the courts in the ninth judicial circuit ;

No. 179. An act relative to the establishment of ferries ;

No. 158. An act to legalize the recording of the delinquent list of lands and town lots in the county of Gibson ;

No. 133. A joint resolution in relation to the completion of the Wabash and Ohio canal ;

No. 162. An act for the relief of the borrowers of school funds in township number eight in Monroe county ;

No. 127. An act to vacate an alley in the city of Lafayette, Tippecanoe county, Indiana ;

No. 172. An act to provide for the election of a justice of the peace in the town of Ferdinand, in Dubois county ;

No. 171. An act to change the name of Aaron Dyer Bull, of Franklin county.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

**Mr. President :**

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has signed the following enrolled bills and joint resolution of the Senate, to-wit :

No. 19. An act to extend the jurisdiction of justices of the peace ;

No. 58. An act to locate a state road in Sullivan county ;

No. 64. An act regulating the granting of licenses in the counties of Adams, Huntington, and Wells ;

No. 52. An act to prohibit the sale of spirituous or fermented liquors in the town of Greensboro', in the county of Henry ;

No. 55. An act establishing an additional place of holding elections in Posey county ;

No. 63. An act fixing the times of holding circuit courts in the several counties in the fifth judicial circuit ;

No. 69. An act to require the Superintendent of the Wabash and Erie canal to give bond and take an oath of office ;

No. 56. An act for the relief of James Vawter ;

No. 53. An act to amend an act entitled, "an act for the relief of John Plasters, school commissioner of Miami county," approved Feb. 2d, 1843.

The Speaker has also signed the following enrolled bills and joint resolutions of the House, to-wit :

No. 297. A joint resolution respecting the State Prison ;

No. 194. An act to declare a certain road therein named a state road ;

No. 18. An act for the protection of wild fruit growing on public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko ;

No. 86. An act extending the provisions of an act entitled, "an act to amend an act entitled, 'an act to provide for a more uniform mode of doing township business in the several counties therein named,' approved February 17th, 1838," approved February 11th, 1843, to the county of Kosciusko ;

No. 50. An act to vacate the town plat of the town of Lagrange, in Lagrange county ;

No. 201. An act to incorporate the Porter County Manufacturing Company ;

No. 224. An act for the relief of justices of the peace ;

No. 282. An act regulating the road law in Warrick county ;

No. 289. An act in relation to road tax in the town of Laporte ;

No. 52. An act concerning marks and brands ;

- No. 117. An act correcting a discrepancy in the estray law ;
- No. 284. An act to locate a state road on the line between the counties of Lagrange, Steuben, Noble, and DeKalb ;
- No. 276. An act declaring a misprint in the Revised Statutes of 1843 ;
- No. 113. An act to amend an act to authorize the commissioners of Elkhart, Kosciusko, and Whitley counties to equalize the appraisement of real estate in said counties, approved February 13th, 1843 ;
- No. 109. An act changing the name of Henry Howell to Henry Rittenour ;
- No. 34. An act regulating the boundaries of the counties of Warrick and Gibson ;
- No. 105. An act for the encouragement of domestic manufactures ;
- No. 6. An act to abolish the office of county auditor in the county of Warrick ;
- No. 120. An act to provide for the relocation of the seat of justice in the county of Martin ;
- No. 2. A joint resolution in relation to refunding the fine imposed upon General Andrew Jackson by Judge Hall, and for other purposes ;
- No. 14. A joint resolution on the subject of postage.
- Also, enrolled bills and joint resolutions of the Senate, to-wit :
- No. 83. An act for the relief of Delaware and Grant counties ;
- No. 88. An act to provide for the appointment of a county auditor and school commissioner for the county of Perry ;
- No. 137. An act to revive an act entitled, "An act to establish a board of trustees of the county library of the county of Marion," approved February 11th, 1843 ;
- No. 103. An act to abolish the fee for issuing patents to purchasers of Wabash and Erie canal lands ;
- No. 136. An act for the relief of George Augustus Spilker, of Delaware county ;
- No. 139. An act to allow the assessor of the county of Shelby to qualify ;
- No. 167. An act to authorize Stephen Stenbarger to erect a mill dam across the Mississinewa river ;
- No. 154. An act to change a state road in Daviess county ;
- No. 157. An act to transfer the books, papers, and vouchers of Michigan road commissioner's office to the office of Auditor of State ;
- No. 79. An act to legalize the appointment of school commissioner for the county of Steuben ;
- No. 31. A joint resolution relative to the State Bank of Indiana ;
- No. 91. An act providing for the location of a state road in the counties of Noble and Lagrange. .

Which bills and joint resolutions of the Senate and House I have been directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed the same.



The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

**Mr. PRESIDENT :**

The Speaker having signed bill of the House entitled,  
No. 133. An act changing the application of water power at the St. Mary's aqueduct, on the Wabash and Erie canal ;

I am directed to report the same to the Senate for the signature of the President thereof.

Whereupon the President signed said bill.

Mr. Orth, from a committee of free conference, made the following report :

**Mr. PRESIDENT :**

The committee of free conference appointed on behalf of the Senate to confer with a similar committee in behalf of the House of Representatives, in reference to the amendment of the said House to joint resolution of the Senate No. 173, entitled, "a joint resolution suspending a certain act therein named," have conferred with said committee, and report that they have been unable to agree.

Which was concurred in by the Senate, and the committee discharged.

The following message was received from the House of Representatives, by Mr. English, their Principal Clerk :

**Mr. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills and joint resolutions thereof, to-wit :

No. 364. An act to incorporate the Protestant Episcopal Church in this State, to raise a fund for the support of a Bishop, and to aid itinerant and superannuated ministers, their widows and children ;

No. 330. An act to locate a state road from Pleasant Hill in Montgomery county to Fulton in Fountain county ;

No. 260. An act to amend the practice of law in Shelby county ;

No. 254. An act to provide for the transfer of the saline lands and funds in the county of Orange ;

No. 316. A joint resolution for the relief of Samuel Campell, an old and infirm soldier ;

No. 250. An act fixing the time of holding courts in the tenth judicial circuit ;

No. 274. An act to transfer the books, papers, &c., of the office of the commissioner of Michigan road lands and agent of the town of Indianapolis to State Auditor's office ;

No. 220. An act making the road tax on land in the counties of Fulton, Marshall, White, Pulaski, Jackson, Benton, and Stark, uniform, and for other purposes ;

No. 304. An act for the relief of John Smith, of Carroll county, and for other purposes ;

No. 371. An act changing a certain state road therein named ;

No. 84. An act to repeal a part of an act on the subject of the New Albany and Vincennes road ;

No. 150. A joint resolution of the General Assembly of the State of Indiana on the subject of reducing the minimum price of the lands of the United States that have been in market twenty years and upwards in the State of Indiana ;

No. 267. An act altering and fixing the time of holding courts in the twelfth judicial circuit, and for other purposes ;

No. 268. An act to amend the road law ;

No. 249. An act extending the provisions of an act therein named to the counties of Randolph, Jay, and Adams ;

No. 204. An act to amend an act entitled, " an act authorizing the issue of five dollar treasury notes for the redemption of the fifty dollar treasury notes now in circulation," approved January 31st, 1842 ;

No. 362. An act making general appropriations for the year 1844 ;

No. 275. A joint resolution amendatory of a joint resolution on the subject of counting and cancelling state bonds that have been received by the Treasurer of State," approved February 9th, 1843 ;

No. 376. An act to legalize the location of a state road in the counties of Wabash and Kosciusko ;

No. 171. An act increasing the road tax in Steuben and De Kalb counties ;

No. 298. An act to repeal a portion of the charter of the city of Richmond, Wayne county.

Also,

The following message was received from the House of Representatives, by Mr. Vawter, their Assistant Clerk :

**Mr. President :**

I am instructed to inform the Senate that the House of Representatives continues to insist on its amendment to bill of the Senate entitled,

No. 8. A bill to incorporate the University of Notre Dame du Lac ;

And Messrs. Ferry and Clark of Tippecanoe are appointed a committee of free conference on the part of the House.

The President laid before the Senate the following communication from the Secretary of State :

SECRETARY OF STATE'S OFFICE, }  
 Indianapolis, January 13th, 1844. }

*The President of the Senate:*

SIR: In compliance with a note of this day from the Secretary of the Senate, I herewith return "act No. 57, authorizing the recorder of Lagrange county to perfect the records of said county."

I have the honor to be,

Very respectfully,

Your ob't servant,

WM. SHEETS.

On motion of Mr. Chapman,  
 Said communication was laid upon the table; and,

On motion of Mr. Defrees,

*Ordered*, That the Secretary of the Senate convey said bill to the House of Representatives.

Mr. Pitcher moved a reconsideration of the vote upon the passage of No. 344, a bill (of the House) to repeal a portion of an act relative to suits against the Miami Indians;

Which motion prevailed.

The question then recurring, Shall said bill pass?

The Senate decided in the negative.

No. 388. A bill (of the House) concerning indictments in Scott county;

Read a first and second times, the rules being suspended; whereupon,

Mr. Pitcher moved to refer it to a select committee;

Which motion prevailed.

*Ordered*, That Messrs. Carr of Jackson, Burke, Akin, and Hodge, constitute said committee.

No. 380. A joint resolution (of the House) relative to the liquidation of the debts of the State of Indiana;

Read a first and second times, the rules being suspended; whereupon,

Mr. Pitcher moved to strike out "sister states."

Mr. Davis of Floyd moved to strike out the preamble.

Mr. Chapman moved to strike out the words "following preamble."

Mr. Akin moved to lay said joint resolution and amendments upon the table.

Which several motions prevailed.

No. 58. A bill (of the House) reviving an act amendatory of an act entitled, "an act for the relief of settlers on the Wabash and Erie canal lands;"

Read a first and second times, the rules being suspended, and,

On motion of Mr. Defrees,

Laid upon the table.

No. 246. A bill (of the House) to amend the road law ;  
Read a first and second times, the rules being suspended, and,

On motion of Mr. Chapman,  
Laid upon the table.

No. 341. A bill (of the House) to detach certain territory from  
the county of Miami, and attach the same to the county of Fulton ;  
Read a first and second times, the rules being suspended, and,

On motion of Mr. Reyburn,  
Laid upon the table.

No. 230. A bill (of the House) to incorporate the Michigan Road  
Company ;

Read a first and second times, the rules being suspended, and,

On motion of Mr. Chapman,  
Referred to the committee on corporations.

No. 370. A bill (of the House) for the relief of Benjamin H.  
Scott ;

No. 375. A bill (of the House) declaring a certain county road a  
state road in the county of Clay ;

No. 374. A bill (of the House) authorizing a special term of the  
Vigo circuit court ;

No. 386. A bill (of the House) to repeal in part a certain law  
therein named ;

No. 390. A bill (of the House) relative to justices of the peace in  
Posey county ;

No. 367. A bill (of the House) for the relief of Jason Ham ;

No. 385. A bill (of the House) providing for opening roads and  
highways in Hancock county.

Said bills, Nos. 370, 375, 374, 386, 390, 367, and 385, were severally  
read three times, the rules being suspended therefor, and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Defrees moved to suspend the order of business, and take up  
No. 341, a bill (of the House of Representatives) to detach certain  
territory from the county of Miami, and attach the same to the county  
of Fulton ;

Which motion prevailed ; whereupon,

On his further motion,

The rules were suspended, and the said bill was read three several  
times, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 381. A bill (of the House) defining the duties of justices of  
the peace in Owen county ;

Read a second time, and,

On motion of Mr. Pitcher,  
Laid upon the table.

No. 383. A bill (of the House) to repeal an act making it the  
duty of county auditor to publish delinquent lands in newspapers in  
certain counties therein named ;

Read a first and second times, the rules being suspended ; where-  
upon,

The following counties were included in said bill :

"Morgan, Hancock, Tippecanoe, Bartholomew, Montgomery, Hendricks, Grant, Jefferson, Clinton, Crawford, Noble, Union, and Martin."

On motion,

The said amendments were considered engrossed, and the said bill was read a third time.

The question then being, Shall it pass ?

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Carr of Lawrence, Cornett, Davis of Daviess, Dobson, Herriman, Hodge, Leviston, Major, Miller, Moore, Parks, Reyburn, Sands, Stanford, Tannehill, Todd, Walpole, and Wood—20.

*Those who voted in the negative are,*

Messrs. Bradley, Chapman, Davis of Floyd, Defrees, Duzan, Farmer, Hutton, Jones, Mitchell, Morgan, Orth, Pennington, Read, and Sinclair—14.

So said bill passed.

*Ordered,* That the House of Representatives be informed thereof.

Mr. Defrees, from a committee of free conference, made the following report :

Mr. PRESIDENT :

The committee of free conference on the part of each House, to whom was referred the disagreement to the amendment of the House to the engrossed bill of the Senate No. 3, entitled, "an act to incorporate the university of Notre Dame du Lac," have had such disagreement under consideration, and have directed me to report the following amendment, and to ask the concurrence of the Senate therein, to-wit :

Add after the word "time" in the 3d line of the second section of said bill, the words "two years and a half shall have elapsed," and also add "provided that a repeal of said act shall not operate so as to divest the owners thereof of any property acquired under said act."

Which report was concurred in, and the committee discharged.

No. 266. A bill (H. R.) to reinstate the records of Noble county ;

No. 366. A bill (H. R.) to incorporate the Frankfort Railroad Company ;

No. 347. A bill (H. R.) to authorize the agent of the surplus revenue fund of Marion county to sell certain real estate ;

No. 15. A joint resolution (H. R.) on the subject of Oregon territory ;

No. 378. A bill (H. R.) to vacate the town of Savannah, in Rush county ;

No. 301. A bill (H. R.) supplemental to an act approved Feb. 10, 1843, relative to water power at Pittsburgh;

No. 299. A bill (H. R.) changing and relocating a certain State road in Delaware county;

No. 286. A bill (H. R.) changing the sessions of the county boards;

No. 308. A bill (H. R.) authorizing the county commissioners of the county of Owen to settle with Joseph E. Moore;

No. 317. A joint resolution (H. R.) relative to international literary exchanges;

No. 315. A bill (H. R.) to locate a State road from Gosport, in Owen county, to Columbus, in Bartholomew county;

No. 403. A bill (of H. R.) for the removal of obstructions in Rockport road, &c.;

All of the foregoing bills and joint resolutions, from No. 266 to No. 403, both inclusive, were, the rules being suspended, three several times read, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 391. A bill (H. R.) making specific appropriations for the year eighteen hundred forty-four;

Read a first and second times, the rules being suspended, whereupon,

Mr. Herriman moved to amend the first section as follows:

"That the principal and assistant clerks be allowed the same as the members of the General Assembly;"

Which motion did not prevail.

Mr. Stanford moved to amend the second section as follows:

"Provided, however, that such allowance shall not be made to exceeding two assistant door keepers for the Senate."

Which amendment did not prevail.

Mr. Ritchey moved to strike out of the third section "one dollar and fifty cents," and insert "two dollars."

Which amendment prevailed.

Mr. Dobson moved to amend the 4th section by adding "and also the sum of five dollars for postage on communications addressed to the President of the Senate during the present session;"

Which amendment prevailed.

Mr. Pennington moved to insert in the 10th section, "also, the clerks office of the Supreme Court;"

Which amendment prevailed.

Mr. Chapman moved to amend sections 24 and 25, so that it may appear that the papers were for the members of the House of Representatives;

Which amendment prevailed.

Mr. Chapman moved to amend the 26th section as follows:

"That the principal secretary of the Senate be allowed the sum of fifty dollars for making out the index to the Journal of the Senate for the year 1843-44;"

Which amendment prevailed.

Mr. Bradley moved to amend the 27th section by striking out all before the word "also" and inserting as follows:

"That Josephus Collett be allowed the sum of eighty dollars, the amount paid by him for conveying the corpse of the Hon. Stephen S. Collett to his late residence in Vermillion county;"

Which amendment prevailed.

Mr. Ritchey moved to amend by adding the following as an additional section to the bill:

"Sec. —. That William Sullivan, a justice of the peace of Marion county, be allowed for swearing witnesses and door keeper during the session of 1841-42, and 1842-43, the sum of five dollars;"

Which amendment prevailed.

Mr. Pennington moved to amend the bill by adding the following as an additional section:

"Sec. —. That the Governor of State be directed to allow to the Auditor of State such sum as he may deem reasonable for his services as keeper of the building on the Governor's Circle, expenses of preserving and planting trees, and repairs to house and fence around circle, payable out of the Indianapolis fund;"

Which amendment prevailed.

Mr. Chapman moved to amend by adding the following section:

"That Daniel Kelso be allowed the sum of one hundred and thirty dollars for mileage and per diem allowance while prosecuting his claim to a seat in the Senate at its present session."

Mr. Herriman moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Chapman and Herriman.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cotton, Davis of Floyd, Defrees, Dobson, Duzan, Farmer, Herriman, Hodge, Hoover, Hutton, Leviston, Major, Mitchell, Moore, Morgan, Orth, Parks, Pennington, Pitcher, Read, Reeve, Ritchey, Sands, Shanks, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—34.

*Those who voted in the negative are,*

Messrs. Berry, Chapman, Davis of Daviess, Jones, Miller, and Sinclear—6.

So said amendment was laid upon the table.

Mr. Walpole moved to amend by adding the following section:

"That Douglass Maguire be allowed ten dollars for his services as principal secretary of the Senate, at the commencement of the present session;"

Which motion prevailed.

Mr. Walpole moved to amend by adding the following section:

"That John Cook be allowed the sum of nine dollars for services at the commencement of the present session, as door-keeper, &c. ;

Which amendment prevailed.

Mr. Akin moved to amend by adding the following additional section :

"That there be allowed one hundred dollars annually to defray the expenses necessarily incurred by the Secretary of State in copying the laws and preparing them for publication ;"

Which amendment prevailed.

Mr. Walpole moved to reconsider the vote taken upon the amendment appropriating to D. Maguire ten dollars for services therein named ;

Which motion did not prevail.

Mr. Orth moved to amend by adding the following section :

"That John H. Farquhar be allowed the sum of four dollars for his services as assistant secretary at the opening of the Senate at the present session ;"

Which amendment prevailed.

Mr. Orth moved to amend by adding the following section :

"That John W. Cook be allowed the sum of two dollars and fifty cents for services as assistant door keeper at the opening of the present session ;"

Which amendment prevailed.

Mr. Mitchell moved to strike out "three thousand dollars," and insert "five thousand dollars," for repairs on public buildings ;

Which motion prevailed.

Mr. Carr of Lawrence moved to strike out sections 24 and 25.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Burke, Carr of L., Cornett, Cotton, Davis of Floyd, Defrees, Dobsod, Duzan, Hodge, Hutton, Leviston, Miller, Moore, Morgan, Orth, Parks, Pennington, Reeve, Reyburn, Sands, Todd, Walpole, and Wilber—24.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Bradley, Buell of Warren, Carr of Jackson, Chapman, Davis of Daviess, Hoover, Jones, Major, Mitchell, Read, Ritchey, Shanks, Sinclear, Stanford, Tannehill, and Wood—18.

So said sections were stricken out.

On the question, Shall the bill pass?

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Alexander, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Daviess, Dobson, Duzan, Hoover, Hutton,



Jones, Leviston, Major, Miller, Mitchell, Pitcher, Read, Ritchey, Shanks, Sinclear, and Tannehill—23.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Bradley, Buell of Warren, Chapman, Davis of Floyd, Defrees, Farmer, Herriman, Hodge, Morgan, Orth, Parks, Pennington, Reeve, Reyburn, Sands, Stanford, Todd, Walpole, and Wilber—21.

So said bill passed.

No. 377. A bill (H. R.) for the relief of John Hoton, of Marshall county;

Was read a first and second times, the rules being suspended, and,

On motion of Mr. Defrees,

Laid upon the table.

No. 313. A bill (H. R.) for the benefit of the school fund in Cass county;

Was read a first and second times, the rules being suspended, and,

On motion of Mr. Reyburn,

Laid upon the table.

No. 275. A joint resolution (H. R.) upon the subject of cancelling State bonds;

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Walpole offered the following resolution:

*Resolved*, That the House of Representatives be informed that the committee of free conference, appointed to take into consideration the disagreeing vote between the two Houses on joint resolution No. 173, reported an amendment to the Senate, which was concurred in, and that it is now out of the power of the Senate to re-appoint a committee of free conference;

Which was adopted.

On motion of Mr. Ritchey,

The Senate adjourned until this evening at half past six o'clock.

*† past 6 o'clock, P. M.*

The Senate assembled.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk:

MR. PRESIDENT:

I have been directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, to-wit:

- No. 141. An act defining the duty of State Agent;  
 No. 151. An act providing for the location of a State road in the counties of Steuben and De Kalb;  
 No. 161. An act to relocate a State road in Bartholomew county;  
 No. 124. An act supplemental to the 12th article of the 40th chapter of the Revised Code of 1943;  
 No. 123. An act for the relief of Ann Frankbower, executrix of Robert McCormick, deceased;  
 No. 105. An act giving authority to take acknowledgments and proofs of deeds and conveyances as therein named;  
 No. 122. An act to incorporate the Muncietown and Grant county turnpike;  
 No. 82. An act to incorporate the town of Attica;  
 No. 75. An act to enable the Mayor and Council of the city of New Albany to appropriate certain labors for one year;  
 No. 149. An act to revise and amend an act entitled "an act for the relief of settlers on the Wabash and Erie canal lands," approved February 24, 1840;  
 No. 51. An act providing for the location of a State road in Randolph and Jay counties;  
 No. 77. An act to vacate a certain street in the town of Washington;  
 No. 78. An act to locate a State road in Sullivan and Greene counties;  
 No. 142. An act to legalize the proceedings of the commissioner of the Indianapolis and Lafayette State road;  
 No. 143. An act to vacate a part of a State road in Noble and Lagrange counties;  
 No. 112. An act to incorporate the Lafayette and White River Turnpike Company;  
 The House has also passed the following engrossed bills of the Senate, with amendments, to-wit:  
 No. 47. An act to establish an asylum for the education of deaf dumb persons in the State of Indiana, (with one amendment);  
 No. 155. An act to restrict the session of the grand jury to three days at each term of the Hancock circuit court, (with one amendment);  
 No. 184. An act in relation to the city of Indianapolis.  
 The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk:

Mr. PRESIDENT:

I have been directed by the House of Representatives to inform the Senate that the House has passed an engrossed bill of the Senate entitled,

No. 177. An act to amend "an act granting to the city of Madison and town of Lawrenceburgh a city charter;"

With an amendment, in which I am directed to respectfully ask the concurrence of the Senate.

On motion,

The Senate concurred in the amendments of the House of Representatives to the three following entitled bills:

No. 47. A bill to establish an asylum for the education of the deaf and dumb persons in the State of Indiana;

No. 184. An act relating to the city of Indianapolis;

No. 177. An act entitled an act to amend "an act granting to the town of Indianapolis a city charter;

No. 295. A bill (H. R.) for the relief of the heirs of James Shoemaker deceased;

Was read three several times, the rules being suspended, and passed.

No. 387. A bill (Ho. Rep.) for the relief of Turner Nelson and others;

Was read three several times, the rules being suspended, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 381. A bill (of H. R.) defining the duties of justices of the peace in Owen county;

Was read a second time, whereupon,

On motion of Mr. Dobson,

It was referred to a select committee.

*Ordered*, That Messrs. Dobson, Pitcher, and Parks constitute said committee.

Mr. Herriman moved to take from the table

No. 334. A bill (H. R.) to organize the counties of Tipton and Richardville;

Which motion prevailed; whereupon,

Mr. Herriman further moved a suspension of the rules for a third reading of said bill.

Mr. Chapman moved to again lay it upon the table;

Which motion was negatived.

Mr. Mitchell moved to indefinitely postpone it.

The ayes and noes being demanded by Messrs. Herriman and Mitchell,

*Those who voted in the affirmative are,*

Messrs. Akin, Carr of Jackson, Chapman, Farmer, Hodge, Hutton, Jones, Major, Miller, Mitchell, Pennington, Ritchey, Stanford, and Todd—14.

*Those who voted in the negative are,*

Messrs. Alexander, Berry, Burke, Carr of L., Cornett, Cotton, Davis of D., Davis of F., Deices, Dobson, Herriman, Hodge, Morgan,

Orth, Parks, Pitcher, Reyburn, Sands, Shanks, Sinclear, Tannehill, and Wood—22.

So said bill was not indefinitely postponed.

Mr. Chapman moved to postpone the consideration thereof until the second Monday in December next.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Carr of Jackson, Carr of Lawrence, Chapman, Farmer, Hodge, Hutton, Jones, Miller, Mitchell, Pennington, Ritchey, Shanks, and Stanford—14.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Dobson, Herriman, Hoover, Moore, Morgan, Orth, Parks, Pitcher, Reyburn, Sands, Sinclear, Tannehill, Todd, and Wood—21.

So said bill was not so postponed.

Mr. Morgan moved the previous question ;

Which was seconded by the Senate.

The question then being, Shall the main question be now put ?

The ayes and noes were demanded by Messrs. Chapman and Morgan,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Burke, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Herriman, Hoover, Hutton, Major, Moore, Morgan, Orth, Parks, Reyburn, Sands, Shanks, Sinclear, Tannehill, Todd, and Walpole—24.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Buell of Warren, Carr of Jackson, Carr of Lawrence, Chapman, Farmer, Hodge, Jones, Miller, Mitchell, Pennington, Pitcher, Read, Ritchey, and Stanford—16.

So the motion to put the main question prevailed.

The question then recurring, Shall the rules be suspended and the bill read a third time now ?

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Burke, Cornett, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Herriman, Hoover, Hutton, Major, Miller, Moore, Morgan, Orth, Parks, Read, Reyburn, Sands, Sinclear, Tannehill, Todd, and Wilber—26.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Buell of Warren, Carr of Jackson, Carr of Lawrence, Chapman, Farmer, Hodge, Jones, Mitchell, Pennington, Pitcher, Ritchey, Shanks, Stanford, and Wood—16.

So the rules were suspended.

Mr. Walpole moved to amend by adding the name of Mr. \_\_\_\_\_ of Madison county;

Which amendment prevailed.

The question being, Shall the bill pass?

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cotton, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Herriman, Hoover, Hutton, Leviston, Major, Mitchell, Morgan, Orth, Parks, Read, Reburn, Sinclear, Tannehill, Todd, and Wood—24.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Chapman, Farmer, Hodge, Miller, Moore, Pennington, Pitcher, Ritchey, Shanks, Stanford, Walpole, and Wilber—16.

So the bill passed.

Mr. Miller, from the committee on corporations, made the following report:

Mr. PRESIDENT:

The committee on corporations, to whom was referred bill of the House No. 228, to incorporate the Terre Haute Draw-Bridge Company, have, according to order, had the same under consideration, and directed me to report the same back, without amendment, and recommend its passage.

Which report was concurred in, and said bill was read a third time, and passed.

*Ordered,* That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk:

Mr. PRESIDENT:

The Speaker of the House having signed the following enrolled bills, entitled acts, which originated in the House of Representatives, I have been directed to bring them to the Senate for the signature of its President, to-wit:

No. 211. An act to provide for keeping in repair the road from Lafayette to Crawfordsville ;

No. 213. An act to authorize Job Meredith to build a mill dam across Tippecanoe river ;

No. 236. An act changing the name of the town of Black Hawk, in Shelby county, to that of Mount Auburn ;

No. 244. An act declaratory of the law in a special case in Fayette county ;

No. 292. An act to vacate a part of a state road in the county of Putnam ;

No. 312. An act to legalize the proceedings of the trustees of the Wolf Creek Baptist Church, in Boone county ;

No. 15. A joint resolution on the subject of the Oregon territory ;

No. 243. An act in relation to road tax in Elkhart county ;

No. 277. An act for the relief of David D. Weddle, of Brown county ;

No. 253. An act to vacate the town of West Point, in the county of Lake ;

No. 217. An act to change the mode of selecting petit jurors in and for the county of Blackford ;

No. 210. An act to locate a state road in Steuben county ;

No. 185. An act authorizing the location of a state road in the county of Allen ;

No. 184. An act regulating the selecting of grand jurors in the county of Randolph ;

No. 175. An act appointing commissioners to locate a state road from the town of Portland, in Jay county, to Hartford, in Blackford county ;

No. 147. An act to reduce the salary of the clerk of the State Prison.

Whereupon, the President signed the same.

Mr. Reyburn, from a select committee, made the following report :

**Mr. PRESIDENT :**

The select committee to whom was referred a bill of the House No. 313, an act for the benefit of the school fund of Cass county, have directed me to report the same back and recommend its indefinite postponement.

Which report was concurred in, and said bill was indefinitely postponed.

[ Mr. — made the following report : ]

**Mr. PRESIDENT :**

The select committee to whom was referred bill of the House of Representatives entitled, " No. 381, a bill defining the duties of justices of the peace in Owen county," have had the same under consi-

deration, and directed me to report it back, without amendment, and recommend its passage.

Which bill was read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Akin, from the committee on the State Bank, made the following report :

Mr, PRESIDENT :

The committee on the State Bank, to which was referred the reports of the several Branches of the State Bank of Indiana, and two communications of Samuel Merrill, President of the State Bank, have, according to order, had the same under consideration, and instructed me to report, that the committee deem it unnecessary to make a general and formal report of the matter therein contained, inas much as the reports themselves will go to the country in another form; and further, the committee are of opinion that they are not furnished with sufficient data upon which to found a report; they therefore ask to be discharged from the further consideration thereof.

Which report was concurred in, and the committee accordingly discharged.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr, PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House insists on its disagreement to the amendment of the Senate to bill of the House No. 391, making specific appropriations for the year 1844; amendment No. 4, to strike out the 24th and 25th sections;

And that Messrs. Norvell and Bowles are appointed a committee of free conference on the part of the House.

Whereupon, Messrs. Walpole and Carr of Lawrence were appointed a committee on the part of the Senate.

On motion,

The Senate concurred in the amendments of the House of Representatives to bill of the Senate No. 119, entitled, "a bill to repeal an act incorporating the Hanover academy," &c.

No. 372. A bill (H. R.) to change the name of Boxley town, in Hamilton county;

No. 373. A bill (H. R.) creating a change in a state road therein named;

No. 360. A bill (H. R.) to amend a certain act therein named;

No. 356. A bill (H. R.) to incorporate the Union Mill Company, in Laporte county;

No. 379. A joint resolution (H. R.) for the relief of William Wilbard;

No. 291. A bill (H. R.) to incorporate the Union Evangelical or Lutheran and German Reformed Church in Indianapolis ;

No. 273. A bill (H. R.) to repeal a part of the militia law ;

No. 288. A bill (H. R.) authorizing the election of certain officers in the town of Indianapolis ;

No. 309. A bill (H. R.) to legalize the proceedings of the probate court of Miami county ;

No. 280. A bill (H. R.) relating to the assessment of canal lands ;

No. 306. A bill (H. R.) vacating an alley in the city of Fort Wayne ;

No. 336. A bill (H. R.) to elect an additional constable in a certain county therein named ;

No. 310. A bill (H. R.) to change a certain part of a state road in the counties of Clay and Owen ;

No. 270. A bill (H. R.) to change the time of holding probate court in Vanderburgh county ;

No. 271. A bill (H. R.) to require the Superintendents on the public works to furnish a list of tolls to the Auditor of State ;

No. 412. A bill (H. R.) repealing an act relative to county business for Clay county ;

No. 311. A bill (of the House) to revive an act incorporating the Lagro Turnpike Company ;

No. 395. A bill (of the House) for the relief of Jacob Daringer ;

No. 410. A bill (of the House) to regulate the practice in the Allen circuit court ;

No. 409. A bill (of the House) to amend an act entitled, "an act to confine voters to their own townships in Tippecanoe county ;"

No. 411. A bill (of the House) to vacate a certain state road therein named ;

No. 364. A bill (of the House) to enable the Protestant Episcopal Church in this State to raise a fund for the support of their ministry, &c. ;

No. 330. A bill (of the House) to locate a state road from Pleasant Hill to Fulton ;

No. 254. A bill (of the House) to transfer saline lands, &c., in Orange county ;

No. 220. A bill (of the House) making the road law on land in the counties of Fulton, Marshall, White, Pulaski, Jasper, Benton, and Stark, uniform, and for other purposes ;

No. 249. A bill (of the House) extending an act therein named to the county of Randolph, &c. ;

No. 376. A bill (of the House) to legalize the location of a state road in Wabash and other counties ;

No. 173. A bill (of the House) for the relief of Melchoir Soodor. All the foregoing bills, from No. 372 to No. 173, both inclusive, were read three several times, the rules being suspended, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 320. A bill (of the House) to amend the second article of the forty-second chapter of the Revised Statutes of 1843 ;



Read a first and second times, the rules being suspended, and, on motion,

Laid upon the table.

No. 327. A bill (of the House) for the relief of Henry Ingle;

Read a first and second times, the rules being suspended, and,

On motion of Mr. Mitchell,

Laid upon the table.

No. 322. A bill (of the House) in relation to sales of lands mortgaged for loans of college funds and sinking funds;

Read a first and second times, the rules being suspended, and, on motion,

Laid upon the table.

No. 349. A bill (of the House) supplemental and amendatory to the 96th and 97th sections of the common school law, providing for weak districts;

Read a first and second times, the rules being suspended, and, on motion,

Laid upon the table.

No. 339. A bill (of the House) for the relief of the heirs of John Talbott, deceased;

Read a first and second times, the rules being suspended, and, on motion,

Laid upon the table.

Mr. Carr of Jackson, from a select committee, made the following report:

Mr. PRESIDENT:

The select committee to whom was referred bill of the House of Representatives No. 388, entitled, "a bill concerning certain indictments in Scott county," have directed me to report the same back to the Senate, with two amendments, and recommend its passage.

First, amend by striking out the bill from its enacting clause, and inserting an amendment making its provisions general.

Second, amend the title of the bill by striking out the words "in Scott county."

Which amendments were concurred in, and the rules were suspended, and the said bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bills and their concurrence requested in said amendments.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk:

Mr. PRESIDENT:

I have been directed to inform the Senate that the House of Representatives continues to insist on its amendment to joint resolution of the Senate No. 173, entitled, "a joint resolution suspending a certain

act therein named ;" and that Messrs. Clark of Tippecanoe and O'Neill are appointed a committee of free conference on the part of the House.

And that the House recedes from its amendment to the amendment of the Senate to bill of the House No. 238, entitled, "a bill to raise revenue for state purposes, and to redeem treasury notes."

Mr. Reeve, from the committee on enrolled bills, made the following report :

**Mr. PRESIDENT :**

The committee on enrolled bills have presented to His Excellency the Governor, for his approval, the following enrolled bills and joint resolutions of the Senate, to-wit :

No. 19. An act to extend the jurisdiction of justices of the peace ;

No. 58. An act to locate a state road in Sullivan county ;

No. 64. An act regulating the granting of licenses in the counties of Adams, Allen, Huntington, and Wells ;

No. 52. An act to prohibit the sale of spirituous or fermented liquors in the town of Greensboro', in the county of Henry ;

No. 55. An act establishing an additional place of holding elections in Perry county ;

No. 63. An act fixing the times of holding circuit courts in the several counties in the fifth judicial circuit ;

No. 69. An act to require the Superintendent of the Wabash and Erie canal to give bond and take an oath of office ;

No. 56. An act for the relief of James Vawter ;

No. 53. An act to amend an act entitled, "an act for the relief of the securities of John Plasters, school commissioner of Miami county," approved Feb. 2d, 1843 ;

No. 297. A joint resolution respecting the State Prison ;

No. 194. An act to declare a certain road therein named a state road ;

No. 18. An act for the protection of wild fruit growing on public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko ;

No. 50. An act to vacate the town plat of the town of Lagrange, in Lagrange county.

The following message was received from His Excellency the Governor, by Mr. Kinder, his private secretary :

**Mr. PRESIDENT :**

I am instructed by His Excellency the Governor to inform the Senate, that he has this day approved and signed the following acts and joint resolutions :

No. 63. An act fixing the times of holding circuit courts in the several counties in the fifth judicial circuit ;

No. 55. An act establishing an additional place of holding elections in Perry county ;

No. 167. An act to authorize Stephen Stenbarger to erect a mill dam across the Mississinewa river ;

No. 19. An act to extend the jurisdiction of justices of the peace ;

No. 58. An act to locate a state road in Sullivan county ;

No. 64. An act to regulate the granting of licenses in the counties of Adams, Allen, Huntington, and Wells ;

No. 31. A joint resolution relative to the State Bank of Indiana ;

No. 52. An act to prohibit the sale of spirituous or fermented liquors in the town of Greensboro', in the county of Henry ;

No. 53. An act to amend an act entitled, 'an act for the relief of the securities of John Plasters, school commissioner of Miami county,' approved February 21, 1843 ;

No. 156. An act for the relief of James Vawter ;

No. 69. An act to require the Superintendent of the Wabash and Erie canal to give bond and take an oath of office ;

No. 91. An act providing for the location of a state road in the counties of Noble and Lagrange ;

No. 88. An act to provide for the appointment of a county auditor and school commissioner for the county of Perry ;

No. 137. An act to revive an act entitled, "An act to establish a board of trustees of the county library of the county of Marion," approved February 11th, 1843 ;

No. 103. An act to abolish the fee for issuing patents to purchasers of Wabash and Erie canal lands ;

No. 136. An act for the relief of George Augustus Spilker, of Delaware county ;

No. 139. An act to allow the assessor of the county of Shelby to qualify ;

No. 154. An act to change a state road in Daviess county ;

No. 157. An act to transfer the books, papers, and vouchers of Michigan road commissioner's office to the office of Auditor of State ;

No. 79. An act to legalize the appointment of school commissioner for the county of Steuben ;

No. 83. An act for the relief of Delaware and Grant counties ;

All of which originated in the Senate.

Mr. Chapman moved to take from the table No. 323, a joint resolution (of the House) concerning the laws of this State relating to real estate.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Burke, Chapman, Cotton, Davis of Floyd, Defrees, Dobson, Herriman, Hodge, Jones, Moore, Orth, Pitcher, Read, Sands, Shanks, Sinclear, Walpole, and Wood—20.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Carr of Jackson, Carr of Lawrence, Cornett, Davis of Daviess, Duzan, Ewing, Farmer, Hoover, Hutton, Leviston, Major, Miller, Mitchell, Morgan, Parks, Pennington, Reyburn, Stanford, Tannehill, and Wilber—22.

So said bill was not taken from the table.

Mr. Carr of Jackson moved to take from the table bill No. 339, (of the House) a bill for the relief of the heirs of John Talbott, deceased ; Which motion prevailed ; and

Said bill was read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

**Mr. PRESIDENT :**

The House has concurred in the following amendments of the Senate to bill of the House No. 391, an act making specific appropriations for the year 1844 :

2d, 3d, 5th, and 6th amendments, and the additional sections concurred in.

The House has refused to concur in the 1st amendment, striking out, in the third section, \$1 50, and inserting \$2 00 ; and the fourth, to strike out sections 24 and 25.

On motion of Mr. Walpole,

The Senate receded from their first amendment to said bill.

Mr. Mitchell moved that the Senate recede from their 4th amendment, which is to strike out the 24th and 25th sections.

Upon which,

The ayes and noes were demanded by Messrs. Mitchell and Herriman.

*Those who voted in the affirmative are,*

Messrs. Akin, Alexander, Berry, Bradley, Buell of Warren, Carr of Jackson, Chapman, Davis of Floyd, Ewing, Farmer, Jones, Major, Miller, Read, Reyburn, Shanks, Sinclear, Stanford, Tannehill, Todd, and Wood—20.

*Those who voted in the negative are,*

Messrs. Burac, Carr of Lawrence, Cotton, Davis of Daviess, Defrees, Dobson, Duzan, Herriman, Hodge, Hutton, Leviston, Mitchell, Moore, Morgan, Orth, Parks, Pennington, Reeve, Sands, Walpole, and Wilber—21.

So the Senate refused to recede from said amendment.

Mr. Walpole moved that the Senate insist upon their amendments, and that a committee of free conference be appointed.

*Ordered*, That Messrs. Walpole and Carr of Lawrence constitute said committee.

No. 153. A bill (of the House) to amend an act entitled, "an act to provide for keeper of the State House and Librarian," approved February 2d, 1841;

Read a first time; whereupon,

A motion was made to suspend the rules for a second reading of the bill.

Upon which,

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Cornett, Cotton, Ewing, Farmer, Hoover, Leviston, Major, Morgan, Orth, Parks, Pitcher, Read, Reeve, Reyburn, Sands, Shanks, Stanford, Tannehill, Walpole, and Wilber—26.

*Those who voted in the negative are,*

Messrs. Carr of Lawrence, Chapman, Davis of Daviess, Davis of Floyd, Defrees, Dobson, Duzan, Herriman, Hodge, Hutton, Jones, Miller, Mitchell, Moore, Pennington, Ritchey, Sinclear, Todd, and Wood—19.

So the rules were not suspended.

Mr. Sands, from a select committee, made the following report:

**Mr. PRESIDENT:**

The select committee to whom was referred bill of the House of Representatives No. 179, entitled, "a bill to provide for the relinquishing of the saline lands in the county of Orange," have, according to order, had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in; whereupon,

On motion,

Said bill was laid upon the table.

Mr. Walpole, from a committee of free conference, made the following report:

**Mr. PRESIDENT:**

The committee of free conference to which was referred bill of the House No. 180, with the subject of disagreement of the two Houses, have had the same under consideration, and have agreed to the following amendment to said bill: Strike out the word "Union" in the second amendment of the Senate, and add the words "and Union"

in the third amendment of the Senate, after the words "county of Orange."

Which was concurred in by the Senate.

No. 396. A bill (of the House) for the benefit of John Yount and Phillip Weaver;

Read three several times, the rules being suspended, and,

The question then being, Shall the bill pass?

The Senate decided in the negative.

Mr. Miller moved to suspend the order of business to introduce a joint resolution;

Which motion prevailed; whereupon, he introduced,

No. 203. A joint resolution to provide means to defray the current expenses of the State for the year 1844;

Read a first and second times, the rules being suspended; whereupon,

Mr. Akin moved to reject it.

The ayes and noes being demanded by Messrs. Miller and Akin,

*Those who voted in the affirmative are,*

Messrs. Akin, Cornett, Davis of Floyd, Duzan, Ewing, Farmer, Mitchell, Morgan, Pennington, Reyburn, Ritchey, Sinclear, Stanford, and Todd—14.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cotton, Davis of Daviess, Defrees, Dobson, Herriman, Hodge, Hoover, Hutton, Jones, Leviston, Major, Miller, Moore, Orth, Parks, Pitcher, Read, Reeve, Sands, Shanks, Tannehill, Walpole, Wilber, and Wood—29.

So said joint resolution was not rejected.

Mr. Walpole moved to reconsider said vote;

Which motion was negatived.

Mr. Chapman moved to strike out the second section of said joint resolution;

Which motion did not prevail.

Mr. Morgan moved to strike out the first section; pending which,

Mr. Walpole moved to lay the said joint resolution and amendments upon the table.

The ayes and noes being demanded by Messrs. Miller and Walpole,

*Those who voted in the affirmative are,*

Messrs. Akin, Cornett, Davis of Floyd, Defrees, Dobson, Duzan, Ewing, Farmer, Hodge, Hoover, Jones, Mitchell, Moore, Morgan, Parks, Pennington, Pitcher, Reyburn, Ritchey, Shanks, Sinclear, Stanford, Tannehill, Todd, Walpole, and Wood—26.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cotton, Davis of Daviess, Herriman, Hutton, Leviston, Major, Miller, Orth, Read, Reeve, Sands, and Wilber—19.

So said joint resolution and amendments were laid upon the table.

The following message was received from the House of Representatives, by Mr. Hurlbut, a member thereof:

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House have passed bill of the Senate No. 195, entitled, "a bill to incorporate the St. Mary's Seminary in the town of Indianapolis," without amendment.

The following message was received from the House of Representatives, by Mr. English, their Principal Clerk:

**MR. PRESIDENT :**

The House refuses to concur in the amendment of the Senate to bill of the House,

No. 388. An act concerning certain indictments in Scott county.

On motion of Mr. Carr of Jackson,

The Senate receded from their amendment.

No. 250. A bill (of the House) fixing the time of holding courts in the tenth judicial circuit ;

Read a first and second times, the rules being suspended, and, on motion,

Laid upon the table.

No. 260. A bill (of the House) to amend the practice of law in Shelby county ;

Read a first and second times, the rules being suspended, and, on motion,

Laid upon the table.

No. 316. A joint resolution (of the House) for the relief of Samuel Campell, an old and infirm soldier ;

Read a first and second times, the rules being suspended ; whereupon,

Mr. Ewing moved the following amendment :

"Together with all other soldiers who faithfully served in the army of General Wayne, with equal credit, and are now living."

Which amendment prevailed, and, on motion,

The rules were further suspended, and said joint resolution was read a third time, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said joint resolution, and their concurrence requested in the amendment thereto.

No. 304. A bill (of the House) for the relief of John Smith, of Carroll county, and for other purposes ;

Read a second time, and, on motion,

Laid upon the table.

No. 371. A bill (of the House) to change a certain state road therein named ;

Read a second time ; whereupon,

Mr. Dobson moved the following amendment :

" Provided, that all laws now in force reducing the salary of Monroe county auditor, be and the same is hereby repealed ;" which was,

On motion of Mr. Farmer,

Laid upon the table.

Whereupon, on motion,

The rules were suspended, and the said bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 84. A bill (of the House) to repeal a part of an act on the subject of the New Albany and Vincennes road ;

Read a first and second times, the rules being suspended, and, on motion,

Laid upon the table.

No. 150. A joint resolution (of the House) on the subject of reducing the minimum price of the lands of the United States that have been in market twenty years and upwards in the State of Indiana ;

Read a first and second times, the rules being suspended, and, on motion,

Laid upon the table.

No. 267. A bill (of the House) altering and fixing the time of holding courts in the twelfth judicial circuit, and for other purposes ;

Read a second time ; whereupon,

Mr. Herriman moved to strike out the counties of Noble, Lagrange, and De Kalb ;

Pending which, on motion,

Said bill was laid upon the table.

No. 268. A bill (of the House) to amend the road law ;

Read a first and second times, the rules being suspended, and, on motion,

Laid upon the table.

Mr. Chapman moved to take from the table No. 218, a bill (of the House) in relation to the county auditor in Monroe county ;

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Chapman, Davis of Daviess, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Leviston, Major, Miller, Mitchell, Read, Reeve, Ritchey, and Sinclear—20.



*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reyburn, Sands, Shanks, Stanford, Tannehill, Todd, Wilber, and Wood—23.

So said bill was not taken from the table.

No. 204. A bill (of the House) to amend an act authorizing the issue of five dollar treasury notes in lieu of fifty dollar treasury notes ;

Read a first time ; whereupon,

Mr. Ritchey moved a suspension of the rule for a second reading of said bill.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Burke, Chapman, Cotton, Davis of Daviess, Davis of Floyd, Hodge, Hutton, Major, Miller, Orth, Pitcher, Read, Reeve, Reyburn, Sands, Shanks, Stanford, Tannehill, Todd, Wilber, and Wood—22.

*Those who voted in the negative are,*

Messrs. Akin, Berry, Buell of Warren, Carr of Jackson, Cornett, Defrees, Dobson, Duzan, Ewing, Farmer, Herriman, Hoover, Jones, Leviston, Mitchell, Moore, Morgan, Parks, Pennington, and Sinclear—21.

So the rules were not suspended.

Mr. Tannehill moved to take from the table No. 218, a bill (of the House) in relation to the county auditor of Monroe county.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry, Carr of Jackson, Chapman, Dobson, Duzan, Herriman, Hoover, Hutton, Jones, Leviston, Major, Miller, Mitchell, Read, Ritchey, Shanks, Sinclear, and Tannehill—19.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Moore, Morgan, Orth, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Todd, Wilber, and Wood—23.

So said bill was not taken from the table.

No. 171. A bill (of the House) increasing the road tax in Steuben and De Kalb counties ;

Read a second time, and, on motion,  
Laid upon the table.

No. 298. A bill (of the House) to repeal a part of the charter of Richmond ;

Read a second time, and, on motion,  
Laid upon the table.

Mr. Dobson moved to take from the table,

No. 171. A bill (of the Senate) to change the name of Aaron Dyer Bull, and for other purposes ;

Which motion prevailed ; whereupon,  
Said bill was read a third time and passed.

No. 168. A bill (of the Senate) for the relief of Alexander McClelland ;

Read a second time, and, on motion,  
Laid upon the table.

No. 111. A bill (of the House) to repeal an act therein named ;

Read a second time, and, on motion,  
Laid upon the table.

No. 57. A bill (of the House) for the relief of John Sankey, of Vigo county ;

Read a second time, and, on motion,  
Laid upon the table.

No. 159. A bill (of the Senate) relative to water power at and near the town of Indianapolis ;

Read a second time, and, on motion,  
Laid upon the table.

No. 170. A bill (of the Senate) to provide for a lateral canal and locks at Williamsport ;

Read a second time ; whereupon,  
Mr. Jones moved to lay it upon the table.

The ayes and noes being demanded by two Senatos,

*Those who voted in the affirmative are,*

Messrs. Akin, Bradley, Burke, Carr of Jackson, Chapman, Cotton, Davis of Daviess, Duzan, Farmer, Herriman, Hoover, Hutton, Levis-ton, Miller, Mitchell, Morgan, Parks, Read, Reeve, Ritchey, Sands, Shanks, Sinclear, Stanford, Tannehill, Wilber, and Wood—26.

*Those who voted in the negative are,*

Messrs. Alexander, Buell of Warren, Davis of Floyd, Defrees, Dobson, Ewing, Jones, Moore, Orth, Pennington, and Todd—11.

So said bill was laid upon the table.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

I have been instructed by the House of Representatives to inform the Senate that the House insists on its amendments to joint resolution of the Senate No. 173, entitled, "a joint resolution suspending a certain act therein named."

No. 274. A bill (of the House) to transfer the books, papers, &c., of the Michigan road office to the State Auditor's office ;

Read three several times, the rules being suspended, and passed.

No. 362. A bill (of the House) making general appropriations for the year 1844 ;

Read three several times, the rules being suspended, and passed.

*Ordered*, That the House of Representatives be informed thereof.

No. 382. A bill (of the House) changing a county road therein named to a state road ;

Read a first and second times, the rules being suspended, and, on motion,

Laid upon the table.

No. 303. A bill (of the House) relative to the assignment of canal land certificates ;

Read a first and second times, the rules being suspended, and, on motion,

Laid upon the table.

On motion,

The Senate concurred in the amendment of the House of Representatives to bill of the Senate No. 155, to restrict the session of the grand jury to three days, at each term of the Hancock circuit court.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

The House has passed engrossed bills of the Senate, without amendment, of the following titles :

No. 152. An act for the relief of the boatmen on the Wabash and Erie canal, and for the establishment of a medical infirmary ;

No. 199. An act to certify a certain cause therein named to the Supreme Court ;

No. 201. An act to authorize the General Superintendent of the Wabash and Erie canal to correct an error in certificate No. 3836 of Wabash and Erie canal lands ;

No. 182. An act to appoint and authorize the county commissioners to settle with the securities of Samuel Monroe, late school commissioner of Hamilton county ;

No. 180. An act incorporating the Rushville and Shelbyville Railroad Company ;

No. 202. An act for the relief of William N. Duzan, of Boone county.

The House has also passed engrossed joint resolution of the following title:

No. 197. A joint resolution on the subject of the State-house.

Also,

The following message was received from the House of Representatives by Mr. English, their Principal Clerk:

**Mr. PRESIDENT:**

The House insists upon its amendment to bill of the Senate,

No. 174: An act to enable forwarding and commission merchants to enforce liens.

(Providing that the said property shall not sell for less than two thirds its appraised value.—This is the amendment.)

Mr. Orth moved to take from the table No. 57, a bill (of the House) for the relief of John Sankey, of Vigo county;

Which motion prevailed; whereupon,

He moved to suspend the rules for a third reading of said bill;

Which motion was negatived.

Mr. Buell of Warren introduced,

No. 204. A bill supplemental to an act incorporating the Warren County Canal Company;

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

Mr. Sands introduced,

No. 205. A bill supplemental to an act entitled, "an act to repeal certain acts relative to French Lick creek in Orange county;

Which was read three several times, the rules being suspended, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence therein requested.

No. 191. A bill (of the Senate) to change the mode of assessment in Union county;

Read a second time, and, on motion,

Laid upon the table.

The following message was received from the House of Representatives, by Mr. Gorman, a member thereof:

**Mr. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill of the Senate, No. 135, entitled, "an act prescribing the duty and defining the authority of the board of commissioners of the county of Monroe, in certain cases therein named," with two amendments, in which the concurrence of the Senate is respectfully requested.

Which amendment was not concurred in.

On motion of Mr. Herriman,

The Senate adjourned.

MONDAY MORNING, JAN. 15, 1844.

The Senate assembled.

On motion,

The reading of the Journal was dispensed with.

On motion of Mr. Sands,

A call of the Senate was ordered.

The absentees were Messrs. Akin, Davis of Daviess, Dobson, Dozan, Major, Mitchell, Orth, Parks, Reeve, Shanks, and Todd.

On motion of Mr. Stanford,

A further call was suspended.

On motion of Mr. Pennington,

No. 327. A bill (of the House) for the relief of Henry Ingle, was taken from the table, and,

On his further motion,

The rules were suspended, and said bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed thereof.

The following messages were received from the House of Representatives by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

The House has concurred in the amendments of the Senate to the following engrossed bills and joint resolutions of the House, to-wit :

No. 316. A joint resolution for the relief of Samuel Campbell, an old and infirm soldier ;

No. 187. An act giving further time to the assessor of Montgomery county ;

No. 334. An act to organize the counties of Tipton and Richardville ;

No. 207. An act relative to overseers of the poor ;

No. 192. An act to amend an act entitled, "an act to incorporate the Vevay and Napoleon and other turnpike companies," approved February 8th, 1836 ;

No. 29. An act postponing the time for the payment of taxes ;

No. 269. An act to provide for a more efficient mode of expending the road tax in the several counties therein named ;

No. 293. An act regulating the fees of auditor in the county of Randolph ;

No. 96. An act to exempt certain lands in the counties of Randolph and Delaware from taxation ;

No. 325. A joint resolution providing for the compensation of the Revisors ;

No. 103. An act for the relief of Samuel Rockafeller, in Franklin county ;

No. 24. An act to amend an act entitled, 'an act to incorporate the Lawrenceburgh and Napoleon Turnpike Company,' approved February 18th, 1840;

No. 102. An act for the relief of Peter Everhart.

Mr. PRESIDENT :

The House of Representatives has passed the following engrossed bills of the Senate, without amendment, to-wit :

No. 194. An act providing for the payment of certain claims due Samuel Myers, Alfred Makepeace, and William Young ;

No. 205. An act supplemental to an act entitled, "an act to repeal certain acts therein named relative to Lick creek and Lost river," approved January 13th, 1844 ;

No. 175. An act repealing all laws now in force providing for a more uniform mode of doing township business in Miami county ;

No. 186. An act for the relief of the sureties of William Johnson, late collector of Sullivan county ;

No. 190. An act regulating the time of holding courts in the county of Tippecanoe ;

No. 188. An act to authorize the board doing county business in the county of Perry to make settlement with John Elder, former surplus revenue agent of said county ;

No. 193. An act to establish a state road from Crown Point, in the county of Lake, to Michigan City, in the county of Laporte.

On leave,

Mr. Ritchey offered the following resolution :

*Resolved, unanimously,* That the Hon. Jesse D. Bright, President of the Senate, is entitled to our thanks for the impartiality, ability, and dignity which has characterized his course during the present General Assembly.

Mr. Walpole moved to strike out the word "unanimously."

The ayes and noes being demanded by Messrs. Ritchey and Walpole,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Hodge, Mitchell, Moore, Morgan, Orth, Pennington, Sands, Walpole, and Wilber—17.

*Those who voted in the negative are,*

Messrs. Berry, Carr of Jackson, Carr of Lawrence, Chapman, Farmer, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Read, Ritchey, Sinclear, Tannehill, and Wood—18.

So the word "unanimously" was not stricken out.

Mr. Herriman moved a reconsideration of said vote ;

Which motion prevailed ; whereupon,

He further moved to strike out "unanimously ;"

Which motion also prevailed.

The question then recurred upon the adoption of the resolution, as amended ; upon which

The ayes and noes were called for by Messrs. Walpole and Ewing.

*Those who voted in the affirmative are,*

Messrs. Berry, Carr of Jackson, Carr of Lawrence, Chapman, Heriman, Hoover, Hutton, Jones, Kenneby, Leviston, Major, Miller, Mitchell, Read, Ritchey, Sinclear, Tannehill, Wilber, and Wood—19.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Moore, Morgan, Orth, Pitcher, Reeve, Reyburn, Sands, and Walpole—19.

So said resolution was not adopted.

Mr. Walpole asked leave to record his vote on the question of concurring in the resolution of the committee on elections, excluding Mr. Henry from his seat in this Senate.

The President decided the request to be out of order ; whereupon,

Mr. Walpole took an appeal from the decision of the Chair ; which appeal was as follows .

"Mr. Walpole asks that his vote may be recorded on the question of concurring in the report of the committee on elections, he being in the Senate at the time the question was propounded. The Chair decides that the motion is out of order ; from which decision he appeals, on the ground that it is a question for the Senate to decide whether the leave shall be granted, and not for the President."

Mr. Pennington moved to lay said appeal on the table ;

Which motion prevailed.

Mr. Walpole moved to take it from the table ;

Which motion was negatived.

Mr. Cornett, from the committee on education, made the following report :

**Mr. PRESIDENT :**

The committee on education, to which was referred joint resolution No. 151, of the House, entitled, "a joint resolution requesting Congress to donate public lands for common school purposes," have had the same under consideration, and directed me to report it back to the Senate and recommend its passage.

Which bill was read a second time and passed to a third reading.

A motion having been made to suspend the rules,

It was negatived.

Mr. Cornett, from the same committee, made the following report :

**Mr. PRESIDENT :**

The committee on education, to which was referred the communication of W. Smith, Esq., in reference to the cost of a lunatic asylum, have examined the same, and are of opinion that the plan of the building proposed by that gentleman cannot be improved upon, and recommend that his communication and diagrams be placed in the archives of the State for future reference, when the funds are provided for erecting an asylum.

Which report was concurred in.

The following messages were received from the House of Representatives by Mr. English, their Principal Clerk :

**Mr. PRESIDENT :**

The House of Representatives refuses to concur in the amendments of the Senate to joint resolution of the House,

No. 318. A joint resolution on the subject of the French Lick in the county of Orange ;

**Mr. PRESIDENT :**

The House recedes from its disagreement to the amendment of the Senate to bill of the House,

No. 21. An act in relation to the sale of lands and town lots for delinquent taxes ;

And concurs in the same.

**Mr. PRESIDENT :**

The House has concurred in the amendment of the Senate to bill of the House,

No. 278. An act in relation to a state road in Monroe county, and for other purposes ;

With an amendment.

In which amendment the concurrence of the Senate is respectfully requested.

On motion,

Said amendment was concurred in by the Senate.

**Mr. PRESIDENT :**

The House refuses to concur in the amendments of the Senate to bill of the House,

No. 202. An act in relation to tavern licenses in Carroll county.

Mr. Walpole moved that the Senate would recede from its amendment, except so far as the same relates to Hancock county ;

Which motion prevailed.



**Mr. PRESIDENT :**

The House concurs in the amendment of the Senate, so far as the county of Hancock is concerned, to bill of the House,

No. 202. An act in relation to tavern licenses in Carroll county.

Mr. Carr of Lawrence, from a committee of free conference, made the following report :

**Mr. PRESIDENT :**

The committee of free conference to which was referred the disagreement of the Senate and House of Representatives on bill No. 391, making specific appropriations for the year 1844, have had a conference relative thereto, and have agreed to recommend to the Senate to recede from its amendment to said bill, with the following amendment :

Strike out of the 24th and 25th sections these words : "Furnished the General Assembly this session," and insert the following in lieu thereof : "Furnished the members of the House of Representatives, and the officers of said House, under a resolution thereof."

Which report was concurred in.

Leave was granted to Mr. Davis of Floyd to withdraw certain petitions from citizens of Floyd county, praying for a change of the election laws.

Leave was also granted to Mr. Jones to withdraw the petition of Alexander McClelland.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

**Mr. PRESIDENT :**

The House has concurred in the report of the committee of free conference appointed to take into consideration the disagreement of the two Houses relative to a certain amendment of the Senate to an engrossed bill of the House entitled,

No. 391. An act making specific appropriations for the year 1844.

Mr. Chapman moved that the House of Representatives be requested to return to the Senate a resolution thereof in relation to the report of the committee of free conference appointed to act upon the disagreement to amendments to No. 13, a joint resolution of the Senate ;

Which motion prevailed.

*Ordered*, That the Secretary request the House of Representatives to return said resolution.

Mr. Herriman presented the petition of John B. Howe, praying for the passage of an act altering the law relative to recorded deeds ; which was,

On motion of Mr. Herriman,

Laid upon the table.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

The House of Representatives insists upon its amendment to bill of the Senate,

No. 135. An act prescribing the duty and defining the authority of the board of commissioners of the county of Monroe in certain cases therein named ;

Which said amendment repeals all laws now in force reducing the salary of the auditor of Monroe county to two hundred and fifty dollars.

Mr. Stanford moved that the Senate insist upon its disagreement to the amendment of the House ;

Which motion prevailed.

*Ordered*, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives, by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

The House of Representatives has passed engrossed bill thereof of the following title, to-wit :

No. 393. An act to provide for the payment of the civil list ;

In which the concurrence of the Senate is respectfully requested.

On motion of Mr. Miller,

Said bill was laid upon the table.

Mr. Ritchey moved to take from the table,

No. 204. A bill to amend an act entitled, " an act authorizing the issue of five dollar treasury notes for the redemption of fifty dollar treasury notes now in circulation," approved January 31st, 1842 ;

Which motion prevailed ; whereupon,

Said bill was read a third time ; when

Mr. Ewing moved to recommit to a select committee with the following instructions :

" To amend the same so that an issue of treasury notes bearing an interest of one fourth per cent. to the amount provided for as a loan shall be authorized to be issued in lieu of said loan, to be receivable for taxes and other State dues, and stricken off upon the plates now in bank, with suitable designations."

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Alexander, Buell of Warren, Ewing, Reyburn, Todd, and Walpole—6.

*Those who voted in the negative are,*

Messrs. Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Floyd, Herriman, Hodge, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Orth, Pennington, Pitcher, Read, Reeve, Ritchey, Sands, Sinclear, Stanford, Tannehill, Wilber, and Wood—32.

So said motion to recommit did not prevail.

The question then recurred upon the passage of said bill.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Chapman, Cotton, Herriman, Hoover, Hutton, Jones, Kennedy, Leviston, Major, Miller, Pennington, Read, Reeve, Ritchey, Sinclear, Stanford, Tannehill, and Wood—23.

*Those who voted in the negative are,*

Messrs. Alexander, Cornett, Davis of Floyd, Defrees, Ewing, Hodge, Mitchell, Moore, Morgan, Orth, Pitcher, Reyburn, Sands, Todd, and Walpole—15.

So said bill passed.

*Ordered*, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

**Mr. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the committee of free conference to take into consideration the disagreement of the two Houses upon joint resolution No. 13, that said committee represented that a majority of said committee had agreed upon an amendment to said resolution, which amendment was concurred in by the Senate.

They therefore deem it out of the power of the Senate to re-appoint a committee of free conference, as it is on the part of the House of Representatives requested.

Mr. Pitcher moved to take from the table No. 394, (of the House) entitled, "a bill to vacate the town of Otsego ;"

Which motion did not prevail.

Mr. Henry moved to take from the table No. 82, a bill (of House) postponing the time of paying taxes for the year 1843 ;

Which motion prevailed ; whereupon,

Mr. Chapman moved its indefinite postponement.

Upon which,

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Chapman, Davis of Floyd, Herriman, Hoover, Jones, Leviston, Major, Orth, Pitcher, Read, Reeve, Ritchey, Sinclear, Todd, Wilber, and Wood—20.

*Those who voted in the negative are,*

Messrs. Berry, Carr of Jackson, Carr of Lawrence, Cotton, Dobson, Ewing, Hodge, Hutton, Kennedy, Major, Miller, Pennington, Reyburn, Stanford, Tannehill, and Walpole—16.

So said bill was indefinitely postponed.

Mr. Pitcher moved a reconsideration of the vote upon laying No. 394, a bill to vacate the town of Otsego, upon the table ;

Which motion prevailed ; whereupon,

Said bill was taken from the table.

Mr. Miller moved to amend by striking out the third section ;

Which motion was negatived.

On motion of Mr. Pitcher,

The rules were suspended, and the said bill was read a third time.

Upon its passage,

The ayes and noes were demanded by Messrs. Miller and Pitcher.

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Hodge, Leviston, Moore, Morgan, Orth, Pitcher, Reyburn, Sands, Stanford, Tannehill, Todd, and Walpole—23.

*Those who voted in the negative are,*

Messrs. Berry, Dobson, Herriman, Hoover, Hutton, Jones, Major, Miller, Mitchell, Pennington, Read, Sinclear, and Wood—13.

So said bill passed.

*Ordered,* That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

I am directed by the House of Representatives to return to the Senate a resolution thereof, in relation to the report of the committee of free conference appointed on joint resolution of the Senate No. 13.

Mr. Wilber, from a committee of free conference, made the following report :

Mr. PRESIDENT :

The committee of free conference appointed to confer with a similar committee on the part of the House of Representatives in relation to the disagreement of the two Houses upon joint resolution of the Senate No. 13, have had a meeting, and only three of them have been able to agree thereon ; they therefore ask to be discharged from the further consideration of the subject.

Concurred in, and the committee accordingly discharged.

Mr. Chapman moved that a new committee be appointed ;

Which prevailed.

*Ordered,* That Messrs. Chapman and Pennington constitute said committee.

Mr. Reeve, from the committee on enrolled bills, made the following report :

Mr. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find the same correctly enrolled, viz. :

No. 174. An act to enable forwarding and commission merchants to enforce liens ;

No. 43. An act amending the 19th section of the 12th chapter, article 7, of the Revised Statutes of 1843, so far as the same relates to certain counties therein named ;

No. 140. An act supplemental to an act entitled, "an act to incorporate the trustees of Madison University," passed at the present session.

Mr. Reeve, from the committee on enrolled bills, made the following report :

Mr. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find the same correctly enrolled, to-wit :

No. 122. An act to incorporate the Muncietown and Grant county turnpike company ;

No. 112. An act to incorporate the Lafayette and White River Turnpike Company ;

No. 47. An act to establish an asylum for the education of deaf and dumb persons in the State of Indiana ;

No. 141. An act defining the duties of State Agent ;

No. 200. An act to repeal an act therein named, so far as the same relates to Delaware county ;

No. 202. An act for the relief of William N. Duzan ;

No. 94. An act authorizing and directing supervisors of public roads and highways to make their returns to the boards of commissioners of their respective counties at the June term thereof ;

No. 180. An act incorporating the Rushville and Shelbyville Railroad Company ;

No. 184. An act in relation to the city of Indianapolis ;

No. 194. An act providing for the payment of certain claims due Samuel Myers, Alfred Makepeace, and William Young ;

No. 193. An act establishing a State road from Crown Point, in the county of Lake, to Michigan City, in the county of Laporte ;

No. 175. An act repealing all laws now in force providing for a more uniform mode of doing township business in Miami county ;

No. 188. An act authorizing the board doing county business in the county of Perry to make settlement with John Elder, former surplus revenue agent for said county ;

No. 155. An act to restrict the session of the grand jury to three days at each term of the Hancock circuit court ;

No. 186. An act for the relief of the securities of William Johnson, late collector of Sullivan county ;

No. 190. An act regulating the time of holding courts in the county of Tippecanoe ;

No. 205. An act supplemental to an act entitled "an act to repeal certain acts therein relative to Lick Creek and Lost river, approved January 13, 1844 ;"

No. 66. An act the better to secure the payment of the revenue into the State Treasury in such funds as are collected by the county treasurers ;

No. 199. An act to certify certain cause therein named to the Supreme Court ;

No. 105. An act giving authority to take acknowledgments and proofs of deeds and conveyances as therein named ;

No. 195. An act to incorporate St. Mary's Seminary in the town of Indianapolis ;

No. 177. An act to amend an act entitled "an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter ;"

No. 119. An act to repeal an act entitled, "an act to incorporate the trustees of Hanover Academy," and "an act to amend an act to incorporate the Trustees of Hanover Academy, approved January 1, 1834," and for other purposes ;

The following report was made by Mr. Reeve, from the committee on enrolled bills :

**Mr. PRESIDENT :**

The committee on enrolled bills have presented to His Excellency the Governor, for his approval, the following enrolled bills of the Senate, to-wit :

No. 108. An act to amend an act entitled "an act providing for summoning and empannelling jurors in the counties of Delaware, Grant, Scott, Franklin, Floyd, and Union," approved January 23d, 1843;

No. 148. An act extending the benefit of the valuation laws to judgment debtors to the surplus revenue, and giving additional time to such persons for the payment of the same;

No. 96. An act to authorize the issuing of a patent for a part of a lot of canal land;

No. 162. An act for the relief of the borrowers of school funds in township number eight in Monroe county;

No. 171. An act to change the name of Aaron Dyer Bull of Franklin county;

No. 147. An act fixing the time of holding the courts in the ninth judicial circuit;

No. 179. An act relative to the establishment of ferries;

No. 172. An act to provide for the election of a justice of the peace in the town of Ferdinand in Dubois county;

No. 127. An act to vacate an alley in the city of Lafayette, Tippecanoe county, Indiana;

No. 158. An act to legalize the recording of the delinquent list of lands and town lots in the county of Gibson;

No. 32. An act to vacate the western addition of the town of Palmyra, in the county of Harrison;

No. 106. An act to repeal a certain act therein named;

No. 185. A joint resolution in relation to the purchase of water rotted hemp for the United States' Navy;

No. 9. An act to incorporate the Brothers of St. Joseph at South Bend, St. Joseph county, Indiana;

No. 150. An act to extend the time of holding the circuit court in the county of Ripley, and to change the times of holding the same in the counties of Jennings, Jefferson, Switzerland, and Dearborn;

No. 125. An act legalizing the assignment of the certificate of the school commissioner of Marshall county to certain land by him sold to Marshall Hall;

No. 101. An act to amend the 15th chapter of the Revised Statutes of Indiana, and repeal the 83d and 98th sections of the same;

No. 18. An act for the relief of purchasers of school lands;

No. 109. An act to incorporate the First Regular Baptist Church of Lafayette in Tippecanoe county, Indiana;

No. 133. A joint resolution in relation to the completion of the Wabash and Ohio Canal;

No. 100. An act to legalize the election of probate judge in Boone county;

No. 166. An act relating to road labor in the town of Spartansburgh in the county of Randolph;

No. 169. An act to incorporate the College Corner and Liberty Turnpike Company, and the Liberty and Abington Turnpike Company;

No. 107. An act to authorize the circuit court of Gibson county to grant a divorce in a certain case therein named;

No. 181. An act to repeal certain acts therein named relative to the seminary and library in Crawford county;

No. 146. An act to provide for a special session of the circuit court of the county of Jefferson;

No. 104. An act to repeal an act therein named;

No. 126. An act to vacate the town of Northampton in the county of Harrison;

No. 99. An act to amend an act entitled "An act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike," approved January 31st, 1842;

No. 129. An act to change the mode of selecting petit jurors in the county of Lawrence, and for other purposes;

No. 128. An act to extend the provisions of an act therein named to Delaware county;

No. 115. An act for the relief of Abraham Perkins of Daviess county;

No. 67. An act to establish a state road in Miami county;

No. 114. An act to legalize the marriage of Oliver W. Sanger and Catharine his wife;

No. 178. An act for the relief of the purchasers of school lands in Delaware, Randolph, Lagrange, Noble, Steuben, and De Kalb counties;

No. 183. An act for the relief of John Houghton, of Marshall county;

No. 120. An act incorporating the town of South Bend, St. Joseph county, Indiana;

No. 165. An act for the relief of Patrick Justice of Delaware county;

No. 118. An act to legalize the proceedings of the board of justices of Gibson county;

Mr. Reeve, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have presented to His Excellency the Governor, for his approval, the following enrolled bills of the Senate, viz.:

No. 8. An act to incorporate the University of Notre Dame du Lac, at South Bend, in St. Joseph county, Indiana;

No. 21. An act in relation to the sale of lands and town lots for delinquent taxes;

No. 140. An act supplemental to an act entitled "An act to incorporate the trustees of Madison University," passed at the present session;

No. 43. An act amending the nineteenth section of the twelfth chapter, of article seven, of the Revised Statutes of 1843, so far as the same relates to certain counties therein named;



No. 174. An act to enable forwarding and commission merchants to enforce liens;

No. 122. An act to incorporate the Muncietown and Grant county Turnpike Company;

No. 112. An act to incorporate the Lafayette and White River Turnpike Company;

No. 47. An act to establish an asylum for the education of deaf and dumb persons in the State of Indiana;

No. 141. An act defining the duties of State Agent;

No. 200. An act to repeal an act therein named, so far as the same relates to Delaware county;

No. 202. An act for the relief of William N. Duzan;

No. 188. An act to restrict the session of the grand jury to three days, at each term of the Hancock circuit court;

No. 186. An act for the relief of the securities of William Johnson, late collector of Sullivan county;

No. 180. An act regulating the time of holding courts in the county of Tippecanoe;

No. 205. An act supplemental to an act entitled "An act to repeal certain acts therein named relative to Lick creek and Lost river," approved January 13th, 1844;

No. 66. An act the better to secure the payment of the revenue into the State Treasury in such funds as are collected by the county treasurers;

No. 199. An act to certify a certain cause therein named to the supreme court;

No. 105. An act giving authority to take acknowledgments or proofs of deeds and conveyances as therein named;

No. 195. An act to incorporate St. Mary's Seminary in the town of Indianapolis;

No. 177. An act to amend an act entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter;

No. 119. An act to repeal an act entitled "An to incorporate the trustees of Honover Academy, and an act to amend an act to incorporate the trustees of Hanover Academy," approved January 1st, 1834, and for other purposes.

Mr. Reeve, from the committee on enrolled bills, made the following report:

**MR. PRESIDENT:**

The committee on enrolled bills have presented to His Excellency the Governor, for his approval, the following enrolled bills of the Senate, to-wit:

No. 143. An act to vacate a part of a state road in Noble and Lagrange counties;

No. 75. An act to enable the mayor and council of the city of New Albany to appropriate certain labor for one year;

No. 123. An act for the relief of Ann Frankbower, executrix of Robert McCormack, deceased;

No. 142. An act to legalize the proceedings of the commissioner of the Indianapolis and Lafayette state road;

No. 151. An act providing for the location of a state road in the counties of Steuben and De Kalb;

No. 182. An act to appoint and authorize the county commissioners to settle with the securities of Samuel Monroe, late school commissioner of Hamilton county;

No. 197. A joint resolution on the subject of the State House;

No. 51. An act providing for the location of a state road in Randolph and Jay counties;

No. 82. An act for the improvement of the town of Attica;

No. 149. An act to revive and amend an act entitled "An act for the relief of settlers on the Wabash and Erie Canal lands," approved February 24th, 1840;

No. 152. An act for the relief of boatmen on the Wabash and Erie canal; and for the establishment of a medical infirmary;

No. 71. An act to amend an act entitled "An act to organize the militia of Indiana," approved Feb. 10th, 1831, and to revise and amend the laws authorizing the formation of companies of independent militia by voluntary enlistment;

No. 78. An act to locate a state road in Sullivan and Greene counties;

No. 161. An act to change a state road in Bartholomew county;

No. 124. An act supplemental to the twelfth article of the fortieth chapter of the Revised Code of 1843;

No. 201. An act to authorize the General Superintendent of the Wabash and Erie Canal to correct an error in certificate No. 3,836, of purchase of Wabash and Erie Canal Lands;

No. 77. An act to vacate a certain street in the town of Washington;

No. 143. An act to vacate a part of a state road in Noble and Lagrange counties;

No. 161. An act to relocate a State road in Bartholomew county;

No. 149. An act to revise and amend an act entitled "an act for the relief of settlers on the Wabash and Erie canal lands," approved February 24, 1840;

No. 182. An act to appoint and authorize the county commissioners to settle with the securities of Samuel Monroe, late school commissioner of Hamilton county;

No. 197. A joint resolution on the subject of the State House;

No. 151. An act providing for the location of a State road in the counties of Steuben and De Kalb;

No. 142. An act to legalize the proceedings of the commissioner of the Indianapolis and Lafayette State road;

No. 123. An act for the relief of Ann Frankbower, executrix of Robert McCormick, deceased;

No. 124. An act supplemental to the 12th article of the 40th chapter of the Revised Code of 1843;

No. 78. An act to locate a State road in Sullivan and Greene counties;

No. 77. An act to vacate a certain street in the town of Washington;

No. 201. An act to authorize the General Superintendent of the Wabash and Erie Canal to correct an error in certificate No. 3,836, of purchase of Wabash and Erie Canal Lands;

No. 82. An act to incorporate the town of Attica;

[The following report was made from the committee on enrolled bills:]

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find the same correctly enrolled, viz:

No. 152. An act for the relief of boatmen on the Wabash and Erie Canal and for the establishment of a medical infirmary;

No. 75. An act to enable the Mayor and Council of the city of New Albany to appropriate certain labor for one year;

No. 51. An act providing for the location of a State road in Randolph and Jay counties;

No. 71. An act to amend an act entitled "An act to organize the militia of Indiana," approved February 10th, 1831, and to revise and amend the laws authorizing the formation of companies of independent militia by voluntary enlistment;

Mr. Buell of Warren presented the following protest:

The undersigned protest against the action of the Senate on the passage of a joint resolution relative to refunding the fine to General Andrew Jackson, and for other purposes, which the Journal of the Senate represents as having passed that body on Saturday, the 5th of January, 1844.

The Journal reads as follows, viz.:

"Mr. Ritchey moved the previous question; which was seconded—yeas 19, nays 17.

"On the question? Shall the bill pass to a second reading on to-morrow? it was decided in the affirmative—yeas 19, nays 17.

"Mr. Read moved to suspend the rules and read a third time, now—yeas 21, nays 9.

"There being no quorum, Mr. Read moved a call of the House.

"Mr. Herriman moved to suspend the call; which carried.

"So the joint resolution was read a third time and passed."

After the call of the Senate was had, and a quorum answered, there was no motion made nor vote taken to suspend the rules, and as a matter of course, under the rules of the Senate, could not be read a third time on that day.

The undersigned declare, and firmly believe, that the action of the Senate, as recorded on the Journal, and as the same was decided to

have taken place, was illegal and unparliamentary, and that said joint resolution never did pass the Senate.

The undersigned further protest against the hurried and unparliamentary manner in which the questions upon said joint resolution were put (if at all) by the Chair to the Senate, thereby not allowing them an opportunity to call for the ayes and nays, or to be heard in their opposition to the same. And they further ask that this their *Protest* be entered on the Journal of the Senate.

JAS. H. BUELL,  
GODLOVE S. ORTH,  
JOHN D. DEFREES,  
JOHN S. DAVIS,  
H. J. BRADLEY,  
JAS. HODGE,  
FREDERICK MOORE,  
ARCHIBALD ALEXANDER,  
DENNIS PENNINGTON,  
ELI P. FARMER,  
JOHN PITCHER,  
LEWIS BURK,  
R. G. COTTON,  
JNO. EWING,  
ISAAC SANDS,  
B. F. REEVE,  
W. M. REYBURN,  
THOMAS J. TODD.

*January 15, 1844.*

The undersigned accord in opinion and sentiment with the protesting Senators, as to the uncourteous and unparliamentary manner in which the joint resolution passed the Senate. They are, however, in favor of refunding to General Jackson the fine assessed by Judge Hall, but protest against the amalgamation of the several measures in said resolution provided for, as well as the manner in which said resolution passed the Senate.

THOMAS D. WALPOLE,  
THOMAS J. TODD.

*January 15, 1844.*

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

The House has concurred in the report of the committee of free conference appointed to take into consideration the disagreement of the two Houses relative to a certain amendment of the House to an engrossed bill of the Senate,

No. 8. An act to incorporate the University of Notre Dame du Lac ;

Also, in the report of the committee of free conference relative to the disagreement of the two Houses upon the engrossed bill of the House of Representatives entitled,

No. 180. An act to abolish the office of county auditor in certain counties therein named.

Mr. Cornett, from the committee on education, made the following report :

**Mr. PRESIDENT :**

The committee on education, to which was referred bill No. 174, of the House of Representatives, entitled, "a bill to amend the several acts now in force regulating the duties of school commissioner, county auditor, county treasurer, and county commissioners in Marion county," beg leave to report, that owing to the late date of the reference, and from the fact that the second section of said bill does not sufficiently provide for the safety of the funds, the committee cannot recommend its passage without material amendment, which they have not, at this late period, time to perfect. The committee, for these reasons, ask to be discharged from the further consideration thereof.

Concurred in, and the committee accordingly discharged.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk :

**Mr. PRESIDENT :**

The House has passed engrossed bill thereof of the following title :  
No. 415. An act continuing the means for the instruction of the deaf and dumb in this state ;

In which the concurrence of the Senate is respectfully requested.

On motion of Mr. Chapman,

The rules were suspended, and said bill was read three times, and passed.

*Ordered*, That the House of Representatives be informed of the passage of said bill.

On motion of Mr. Reeve,

*Ordered*, That Messrs. Burke, Berry, Carr of Lawrence, Hodge, Alexander, and Miller, be added to the committee on enrolled bills.

The following message was received from His Excellency the Governor, by Mr. Kinder, his private secretary :

**Mr. PRESIDENT :**

I am instructed by His Excellency the Governor to inform the Senate, that he has this day approved and signed the following acts and joint resolutions :

No. 78. An act to locate a state road in Sullivan and Green counties ;

No. 152. An act for the relief of the boatmen on the Wabash and Erie canal, and for the establishment of a medical infirmary ;

No. 77. An act to vacate a certain street in the town of Washington ;

No. 201. An act to authorize the General Superintendent of the Wabash and Erie canal to correct an error in certificate No. 3836 of purchase of Wabash and Erie canal lands ;

No. 124. An act supplemental to the 12th article of the 40th chapter of the Revised Code of 1843 ;

No. 123. An act for the relief of Ann Frankbower, executrix of Robert McCormick, deceased ;

No. 142. An act to legalize the proceedings of the commissioners of the Indianapolis and Lafayette state road ;

No. 75. An act to entitle the mayor and council of the city of New Albany to appropriate certain labor for one year ;

No. 21. An act in relation to the sale of lands and town lots for delinquent taxes ;

No. 8. An act to incorporate the University of Notre Dame du Lac, at South Bend, in St. Joseph county, Indiana ;

No. 151. An act providing for the location of a state road in the counties of Steuben and De Kalb ;

No. 143. An act to vacate a part of a state road in Noble and Lagrange counties ;

No. 182. An act to appoint and authorize the county commissioners to settle with the securities of Samuel Monroe, late school commissioner of Hamilton county ;

No. 197. A joint resolution on the subject of the State House ;

No. 51. An act providing for the location of a state road in Randolph and Jay counties ;

No. 82. An act for the improvement of the town of Attica ;

No. 161. An act to change a state road in Bartholomew county ;

No. 149. An act to revive and amend an act entitled, "an act for the relief of settlers on the Wabash and Erie canal lands," approved February 24th, 1840 ;

No. 71. An act to amend an act entitled, "an act to organize the militia of Indiana," approved February 10th, 1831, and to revise and amend the laws authorizing the formation of companies of independent militia, by voluntary enlistment.

All of which originated in the Senate.

The following message was also received from His Excellency the Governor, by Mr. Kinder, his private secretary :

Mr. PRESIDENT :

I am instructed by His Excellency the Governor to return to the Senate the following bill :

No. 165. An act for the relief of Patrick Justice of Delaware county;

With his reasons for withholding his approval from the same :

EXECUTIVE DEPARTMENT, }  
Jun. 15, 1844. }

*To the Senate:*

I hereby return the bill which originated in the Senate (No. 165,) entitled, "An act for the relief of Patrick Justice of Delaware county," and respectfully submit at the earliest practicable moment, my reasons for withholding my approval thereof.

The preamble to the bill sets forth, in substance, that Patrick Justice became the surety of a former commissioner of the three per cent. fund belonging to Delaware county, for a portion thereof, that the commissioner had not applied the same to the use of said county as required by law, but had *used* the same for his *own private purposes*, and that he is now *insolvent*, and wholly unable to pay the same. It further states, that Mr. Justice is liable to pay a part of the amount, without any redress from his principal.

The bill then proceeds to authorize and *require* the board doing county business for Delaware county (without the exercise of any discretion whatever, and without adopting any other means of ascertaining the wishes or interests of the people of that county,) to absolutely release Mr. Justice from his obligation as such surety, without any equivalent or consideration whatsoever; not even providing for ultimate payment, by giving indulgence as to time. It does not appear whether there are any other sureties on the commissioner's bond, nor is that considered material, because if there were, the release of Mr. Justice would exempt the other sureties also, unless their consent thereto were first obtained.

As a preamble is used, containing facts or reasons intended to show why the bill should pass, it is presumed that all, or at least the most favorable of them, are there presented. The main reason urged then for the proposed relief to Mr. Justice is, that his principal, after having used the public funds, (which were placed in his charge,) for his *own private purposes*, has become *insolvent*. But the *possible* insolvency, or want of skill or integrity, on the part of the officer, is the precise reason why he is by law required to give security. Thus, the very event or contingency which rendered it necessary that this security should be given for the protection of the public interest, is now made the very reason for discharging the same security. If the reason assigned in the preamble for the passage of this bill is sound, impartial justice would require that no laws intended for the protection of the public funds or interests should require the officer having them in charge, to give security for their being faithfully kept and applied.

Should this bill become a law, being the first instance of the kind in this State, within my recollection, (having no time in the pressure of business to examine fully,) it would form a precedent, holding out an invitation to similar applications,—to the loss of time and expense in the Legislature,—to the encouragement of defaulters in office, when, in view of the alarming increase of crime and moral dereliction, they rather need further restrictions,—to the loss of the public funds, and generally to the public detriment.

The funds in question belonged to the people of Delaware county, for the opening and improvement of their roads, and it is conceived but right and proper that they, in their capacity as a county, should have a voice in a matter in which their own rights are at stake, either through the untrammelled action of their own fiscal authority, the board doing county business, or in some other way as well calculated to reflect their wishes. It is evident that the advantage proposed to be given to Mr. Justice, would be at the expense of the citizens of that county. In the absence of this sum of money, they must be more heavily taxed in their means or their labor to supply the deficiency, for the improvement, &c. of their roads, or what would be worse, to labor under losses of time, detention and difficulty in travel and transportation, on account of bad roads. It affords another illustration of the principle, that legislation for exclusive or individual advantage, must, directly or indirectly, be at the expense of the labor of the country.

These remarks are certainly not intended to reflect on the delegation from that county, for at this time I am not even apprized of what their action has been on this bill, but only to express my opinion that the will of the people of Delaware would more properly and naturally express itself through a board, composed of their own citizens, and organized for that purpose, rather than to the Legislature, convened from other parts of the State, not individually interested in the question, and not having equal opportunities of knowing all the circumstances connected with the case.

I have thus hastily thrown together, this morning, on the eve of adjournment, in the few moments allowed by the hurry of business, some of the reasons which occur to my mind why I have felt constrained to withhold my approval of the bill, and I have done so with the less reluctance because, under the constitution, the whole question, with all the attending circumstances, is thereby subjected to the reconsideration of the Legislature, and if a majority of the members elected should still vote for its passage, it will become the law of the land, notwithstanding my dissent.

I have the honor to be,

With great respect,

Your obedient servant,

JAS. WHITCOMB.

Mr. Walpole moved a reconsideration of the vote upon the passage of bill of the Senate entitled,



No. 165. A bill for the relief of Patrick Justice of Delaware county;

Upon which the ayes and noes were demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Carr of Jackson, Davis of Floyd, Defrees, Ewing, Farmer, Herriman, Hodge, Hoover, Jones, Kennedy, Moore, Morgan, Orth, Sinclear, Tannehill, Todd, Walpole, and Wood—20.

*Those who voted in the negative are,*

Messrs. Hutton, Leviston, Major, and Stanford—4.

Mr. Hodge moved a call of the Senate;

Which motion prevailed, and,

On motion of Mr. Stanford,

A quorum answering, the further call was suspended.

The question then recurring, shall the said bill pass, the Governor's veto to the contrary notwithstanding?

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Burke, Cornett, Cotton, Davis of Floyd, Defrees, Ewing, Farmer, Hodge, Hoover, Moore, Morgan, Orth, and Walpole—15.

*Those who voted in the negative are,*

Messrs. Berry, Carr of Jackson, Carr of Lawrence, Chapman, Dobson, Herriman, Hutton, Jones, Leviston, Major, Miller, Mitchell, Pennington, Pitcher, Read, Ritchey, Sands, Sinclear, Stanford, Tannehill, Todd, and Wood—22.

So the bill did not pass.

The following message was received from the House of Representatives by Mr. English, their Principal Clerk:

Mr. PRESIDENT:

The House of Representatives has passed engrossed bill of the Senate of the following title, with an amendment, to-wit:

No. 43. An act amending the nineteenth section of the twelfth chapter, article seven, of the Revised Statutes of 1843, so far as the same relates to certain counties therein named;

In which amendment the concurrence of the Senate is respectfully requested.

Which amendment was not concurred in.

Mr. Hodge moved to reconsider the vote upon non-concurrence in said amendment;

Which motion prevailed.

Mr. Chapman moved to concur in said report with the following amendment:

Strike out "dollars" and insert "cents per square."

Mr. Ewing moved a division of the question upon striking out.

The ayes and noes being demanded by Messrs. Chapman and Ewing,

*Those who voted in the affirmative are,*

Messrs. Bradley, Carr of Jackson, Chapman, Davis of Floyd, Defrees, Jones, Mitchell, Morgan, Orth, Read, and Sinclear—11.

*Those who voted in the negative are,*

Messrs. Buell of Warren, Cornett, Cotton, Dobson, Ewing, Farmer, Herriman, Hodge, Hoover, Hutton, Kennedy, Leviston, Major, Moore, Pennington, Pitcher, Reyburn, Ritchey, Sands, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—25.

So the striking out was negatived.

The question then recurring upon concurring in the amendment of the House of Representatives.

The ayes and noes being demanded by Messrs. Chapman and Stanford,

*Those who voted in the affirmative are,*

Messrs. Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Davis of Floyd, Dobson, Ewing, Farmer, Herriman, Hodge, Hutton, Kennedy, Leviston, Major, Miller, Moore, Pennington, Pitcher, Reyburn, Stanford, Tannehill, Todd, Walpole, Wilber, and Wood—27.

*Those who voted in the negative are,*

Messrs. Chapman, Defrees, Jones, Mitchell, Morgan, Orth, Read, and Ritchey—8.

So said amendment of the House was concurred in.

*Ordered,* That the House be informed thereof.

Mr. Chapman, from a committee of free conference, made the following report:

Mr. PRESIDENT:

The committee of free conference appointed by the Senate to confer with a similar committee on the part of the House, in relation to the disagreement of the two Houses on joint resolution of the Senate No. 13, have met and conferred thereon, and have been unable to

agree. They therefore ask to be discharged from the further consideration thereof.

Which report was concurred in, and the committee accordingly discharged.

Mr. Walpole moved to take from the table

No. 304. A bill for the relief of John Smith, of Carroll county, and for other purposes;

Which motion prevailed; whereupon,

Mr. Dobson moved to strike it out from its enacting clause, and substitute the following section:

"That it shall be the duty of the Agent of State to pay, of any money that now is or that may hereafter come into his hands from the suspended debt, the following judgments rendered against the State, in favor of the following persons, to-wit: One in favor of Daniel Wise, rendered in the Madison circuit court, and the judgment of Jesse J. Burton and Joseph Luther, and the judgment of Nathan Burchfield—the last three judgments rendered in the Parke circuit court; also, the warrant of Zera Sutherland. That in case said agent has not sufficient funds to pay said judgments in full, then he shall, at each distribution, pay said judgments pro rata. Nothing in this shall be so construed as to interfere with the provisions of any acts now in force relative to sub-contractors and laborers on the Madison and Indianapolis Railroad.

Sec. 2. Before said Agent shall pay said judgments, or either of them, or any part thereof, said judgment plaintiff shall file with said agent a certified copy of his judgment.

This act to be in force from and after its passage.

Mr. Morgan moved to add the name of Joseph H. Hendricks.

Mr. Pennington moved to lay said bill and amendments upon the table.

The ayes and noes being demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Alexander, Berry, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Cotton, Ewing, Farmer, Herriman, Hoover, Kennedy, Leviston, Major, Miller, Mitchell, Moore, Morgan, Orth, Pennington, Pitcher, Read, Reeve, Ritchey, Tannehill, Todd, Walpole, Wilber, and Wood—28.

*Those who voted in the negative are,*

Messrs. Bradley, Buell of Warren, Chapman, Defrees, Dobson, Hodge, Hutton, and Walpole—8.

So said bill and amendments were laid upon the table.

On motion,

The Senate adjourned.

past 1 o'clock, P. M.

The Senate assembled.

On motion of Mr. Pennington,  
No. 304. A bill for the relief of John Smith, of Carroll county,  
and for other purposes;

Was taken from the table.

The question then recurred upon inserting the name of Joseph H. Hendricks.

The ayes and noes being demanded by Messrs. Morgan and Walpole,

*Those who voted in the affirmative are,*

Messrs. Alexander, Berry, Bradley, Carr of Jackson, Carr of Lawrence, Chapman, Davis of Floyd, Farmer, Herriman, Hodge, Jones, Kennedy, Leviston, Major, Mitchell, Morgan, Pennington, Read, Reeve, Reyburn, Sinclear, Stanford, Wilber, and Wood—23.

*Those who voted in the negative are,*

Messrs. Ritchey and Tannehill—2.

There being no quorum,

Mr. Chapman moved a call of the Senate, and,  
A quorum answered to their names.

On motion of Mr. Morgan,

A further call of the Senate was suspended; and thereupon,

Mr. Tannehill moved to recommit said bill with instructions, "To strike out so much of the bill as applies to moneys now in the hands of the State Agent."

The ayes and noes being demanded by Messrs. Tannehill and Walpole,

*Those who voted in the affirmative are,*

Messrs. Berry, Herriman, Hoover, Jones, Leviston, Major, Ritchey, Sinclear, Tannehill, and Todd—10.

*Those who voted in the negative are,*

Messrs. Alexander, Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Floyd, De-frees, Farmer, Hodge, Kennedy, Mitchell, Moore, Morgan, Pennington, Pitcher, Reeve, Reyburn, Sands, Stanford, Walpole and Wilber—24.

So said bill was not recommitted.

The question then being, Shall the bill pass?

The ayes and noes being demanded by Messrs. Tannehill and Walpole,

*Those who voted in the affirmative are,*

Messrs. Alexander, Bradley, Buell of Warren, Carr of Jackson, Carr of Lawrence, Chapman, Cornett, Cotton, Davis of Floyd, De-frees, Dobson, Farmer, Hodge, Kennedy, Mitchell, Moore, Penning-ton, Pitcher, Reyburn, Sinclear, Stanford, Todd, Walpole, and Wil-ber—24.

*Those who voted in the negative are,*

Messrs. Burke, Herriman, Hoover, Jones, Leviston, Major, Reeve, Sands, and Tannehill—9.

So said bill passed.

On motion of Mr. Carr of Jackson,

The title was changed so as to read as follows :

“ A bill for the relief of certain persons therein named. ”

*Ordered*, That the House of Representatives be informed thereof.

Mr. Reeve, from the committee on enrolled bills, made the follow-  
ing report :

Mr. PRESIDENT :

The committee on enrolled bills have found the following bills cor-  
rectly enrolled, and presented them to His Excellency the Governor  
for his approval, to-wit :

No. 21. An act in relation to the sale of lands and town lots for  
delinquent taxes ;

No. 8. An act to incorporate the University of Notre Dame du  
Lac, at South Bend, St. Joseph county.

The following message was received from the House of Represen-  
tatives by Mr. English, their Principal Clerk :

Mr. PRESIDENT :

The House of Representatives concurs in the first amendment of  
the Senate to bill of the House,

No. 259. An act to provide for the erection of a bridge across  
French Lick Creek in the county of Orange ;

But the House refuses to concur in the second amendment of the  
Senate to said bill.

Mr. Sands moved that the Senate insist upon said second amend-  
ment ;

Which motion prevailed.

*Ordered*, That the House of Representatives be informed thereof.

The following message was received from the House of Represent-  
atives, by Mr. Vawter, their Assistant Clerk :

**MR. PRESIDENT :**

The Speaker of the House of Representatives has signed the following enrolled bills of the Senate, entitled acts, of the following titles, to-wit:

No. 189. An act in relation to the boundary line between the counties of Clark and Floyd;

No. 29. An act for the relief of the heirs of Joseph Steinberger;

No. 41. An act to provide for summoning grand and petit jurors in Decatur and Warren counties;

No. 24. An act to locate a state road in the county of Lawrence;

No. 131. An act to incorporate the Lafayette Blues, in Tippecanoe county, Indiana;

No. 111. An act to relocate the seat of justice of Noble county;

The Speaker has also signed enrolled bills of the House of Representatives, entitled acts, to wit:

No. 205. An act for the relief of John Law, Lucius H. Scett, Hugh Stewart, Henry V. McCall, James B. McCall, and Mary J. McCall, the heirs and legal representatives of James B. McCall, deceased;

No. 156. An act extending certain laws therein named to the county of Randolph;

No. 146. An act to appoint the board of county commissioners of Carroll county the only board of seminary trustees for the county seminary of said county;

No. 140. An act to legalize the acts of the school commissioner in the county of Martin;

No. 105. An act to amend an act entitled "An act relating to the seminary fund in Cass county;

No. 214. An act for the relief of the heirs of George Bishop, late of the county of Jay deceased;

No. 160. An act to limit the trustees of Evansville to a certain tax;

No. 152. An act extending the provisions of an act therein named, to the county of Spencer.

No. 139. An act to amend an act entitled "An act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis railroad company.

No. 112. An act to provide for a more uniform mode of doing township business in the county of Hamilton.

No. 124. An act to apply the saline funds to common school purposes.

No. 195. An act to improve the breed of sheep;

No. 154. An act for the better regulation of the county board of the county of Warrick.

No. 145. An act relative to practice in circuit courts.

No. 56. An act converting the moneys arising from the sale of strays and property taken up adrift, to the common school fund.

Which enrolled bills and joint resolutions I am directed to bring to the Senate for the signature of its President.

Whereupon the President signed the same.

The following message was also received from the House of Representatives, by Mr. Vawter, their Assistant Clerk:

**MR. PRESIDENT :**

The Speaker of the House of Representatives has signed the following enrolled bills of the House, entitled acts, which I am directed to carry to the Senate for the signature of its President, to-wit:

No. 148. An act to provide for the appointment of township assessors in certain counties therein named, and defining their duties;

No. 180. An act abolishing the office of county auditor in certain counties therein named;

Also, the following enrolled bills and joint resolutions of the Senate, entitled acts, to-wit:

No. 149. An act to revive and amend an act entitled "An act for the relief of settlers on the Wabash and Erie Canal lands," approved February 24th, 1840;

No. 197. A joint resolution on the subject of the State House;

No. 182. An act to appoint and authorize the county commissioners to settle with the securities of Samuel Monroe, late school commissioner of Hamilton county;

No. 151. An act providing for the location of a state road in the counties of Steuben and De Kalb;

No. 142. An act to legalize the proceedings of the commissioner of the Indianapolis and Lafayette state road;

No. 123. An act for the relief of Ann Frankbower, executrix of Robert McCormack, deceased;

No. 78. An act to locate a state road in Sullivan and Greene counties;

No. 152. An act for the relief of boatmen on the Wabash and Erie canal, and for the establishment of a medical infirmary;

No. 77. An act to vacate a certain street in the town of Washington;

No. 201. An act to authorize the General Superintendent of the Wabash and Erie Canal to correct an error in certificate No. 3,836, of purchase of Wabash and Erie Canal Lands;

No. 124. An act supplemental to the twelfth article of the fortieth chapter of the Revised Code of 1843;

No. 161. An act to change a state road in Bartholomew county;

No. 143. An act to vacate a part of a state road in Noble and Lagrange counties;

No. 71. An act to amend an act entitled "An act to organize the militia of Indiana," approved Feb. 10th, 1831, and to revise and amend the laws authorizing the formation of companies of independent militia by voluntary enlistment;

No. 51. An act providing for the location of a state road in Randolph;

No. 75. An act to enable the Mayor and Council of the city of New Albany to appropriate certain labor for one year;

No. 82. An act for the improvement of the town of Attica;  
Whereupon the President signed the same.

The following message was received from the House of Representatives, by Mr. Vawter, their Assistant Clerk:

**MR. PRESIDENT:**

The Speaker having signed the following engrossed bills and joint resolutions, entitled acts, I am directed to report them to the Senate for the signature of its President, to wit:

No. 288. An act authorizing the election of certain officers in the town of Indianapolis;

No. 309. An act to legalize the proceedings of the probate court and board of commissioners of Miami county, and for other purposes;

No. 352. An act to vacate a part of a state road in Tippecanoe county;

No. 387. An act for the relief of Turner Nelson, clerk of Posey county, and his securities;

No. 366. An act to incorporate the Frankfort Railroad Company

No. 381. An act defining the duties of justices of the peace in Owen county;

No. 338. An act to incorporate the Richmond Turnpike Company, and for other purposes;

No. 373. An act creating a change in a state road therein named;

No. 306. An act vacating an alley in the city of Fort Wayne;

No. 24. An act to amend an act entitled "An act to incorporate the Law'burgh and Napoleon Turnpike company," app. Feb. 18, 1840;

No. 348. An act providing for the election of one school commissioner in Russell township, Putnam county;

No. 238. An act to raise a revenue for state purposes, and to redeem treasury notes;

No. 237. An act to incorporate the Warren County Canal Company;

No. 367. An act for the relief of Jason Ham, treasurer of Wayne county;

No. 407. An act permitting a dry dock at Wabash;

No. 406. An act for the relief of Aquilla Rodgers, of Monroe county;

No. 329. An act providing for removing obstructions in Buck creek, in Henry county;

No. 402. An act to locate a state road;

No. 347. An act to authorize the agent of the surplus revenue of Marion county to sell real estate;

No. 301. An act supplemental to an act approved February 10th, 1843, relative to water power at Pittsburgh;

No. 374. An act providing for a special term of the Vigo circuit court;



No. 310. An act to vacate and change a certain part of a state road in the counties of Clay and Owen;

No. 368. An act to locate certain state roads therein named and for other purposes;

No. 333. An act for the better improvement of the important state roads in the counties of Allen, DeKalb, Noble, Huntington and Wells;

No. 298. An act to repeal an act entitled "An act to amend an act entitled 'an act to incorporate the city of Richmond, Wayne county, Indiana,' approved February 24th, 1840," approved January 27th, 1842;

No. 372. An act to change the name of Boxley town, in Hamilton county;

No. 336. An act to elect an additional constable in Ladoga, Montgomery county;

No. 360. An act to amend a certain act therein named;

No. 299. An act changing and relocating certain state roads in Delaware county;

No. 96. An act to exempt certain lands and tenements therein named from taxation;

No. 364. An act to authorize the Protestant Episcopal Church in this State, to raise a fund for the support of a Bishop, and to aid itinerant and superannuated ministers, their widows and children;

No. 328. An act to authorize the trustees of township twenty-five, range two west, in Carroll county, to lease the school section of said township, for the term of ninety years;

No. 357. An act for the relief of purchasers of school lands in Monroe county;

No. 262. An act in relation to awards;

No. 376. An act to legalize the location of a certain state road therein named;

No. 411. An act to vacate a certain state road therein named;

No. 362. An act making general appropriations for the year 1844;

No. 371. An act to change a certain state road therein named;

No. 291. An act to incorporate the German Evangelical Church, in Indianapolis;

No. 361. An act to provide for summoning petit jurors in the Lagrange circuit and probate courts;

No. 316. A joint resolution for the relief of Samuel Campbell, an old and infirm soldier;

No. 330. An act to establish the Pleasant Hill and Fulton state road;

No. 340. An act to vacate a part of the town of Independence in the county of Warren;

No. 341. An act to detach certain territory from the county of Miami and attach the same to the county of Fulton;

No. 293. An act regulating the fees of auditor in the counties of Randolph and Grant;

Whereupon the President signed the same.

The following message was received from the House of Representatives, by Mr. English, their Principal Clerk:

MR. PRESIDENT:

The Speaker of the House having signed the following enrolled bills and joint resolutions of the House, I am directed to report them to the Senate, to-wit:

- No. 370. An act for the relief of Benjamin H. Scott;
- No. 286. An act changing the sessions of the county boards;
- No. 207. An act relative to the overseers of the poor;
- No. 343. An act for the relief of the heirs of Samuel Howard, deceased;
- No. 342. An act to reduce the price of ferriages in Lawrence county;
- No. 392. An act to locate a certain state road in Carroll county;
- No. 397. An act declaring a certain road therein named, a state road;
- No. 317. A joint resolution relative to international literary exchange;
- No. 348. An act authorizing the county commissioners of the county of Clark to settle with Joseph E. Moore;
- No. 187. An act giving further time to assessors;
- No. 228. An act to incorporate the Terre Haute Drawbridge Company;
- No. 315. An act to locate a state road from Gosport in Owen county, to Columbus in Bartholomew county;
- No. 162. An act to postpone the sale of lands forfeited to the common school and saline funds;
- No. 358. An act to exclude certain territory from the incorporation of Michigan City;
- No. 351. An act in relation to the surplus revenue fund in the counties of Jay and Blackford;
- No. 255. An act to authorize the auditor of Hendricks county to become the purchaser of real estate in certain cases therein named;
- No. 219. An act in relation to school district No. 5, in township 37 north, range 3 west, in Laporte county;
- No. 296. An act to provide for the electing supervisors of roads in Boone county;
- No. 27. An act for the relief of Curtis Mallory, treasurer of Hamilton county;
- No. 337. An act to establish a state road from Little York in Washington county, to New Providence in Clark county;
- No. 103. An act for the relief of Samuel Rockafeller, in Franklin county;
- No. 412. An act repealing so much of an act entitled an act providing for a more uniform mode of doing township business in the several counties therein named, approved February 17th, 1838 so much as relates to the county of Clay;

- No. 29. An act postponing the time for the payment of taxes;
- No. 257. An act to further reduce the expenses of Brown and Owen counties;
- No. 272. An act vesting the duties of school commissioner in the county treasurer of certain counties;
- No. 345. An act to amend an act entitled 'an act to provide for the payment of expenses incurred for the protection of the school fund, and for other purposes,' approved February 11th, 1843;
- No. 339. An act for the relief of the heirs of John Talbot, deceased;
- No. 192. An act to amend an act entitled "An act to incorporate the Vevay and Napoleon and other Turnpike Companies," approved February 8th, 1836;
- No. 388. An act concerning certain indictments in Scott county;
- No. 400. A joint resolution providing that each member of the General Assembly shall have a copy of the Revised Laws of this State;
- No. 404. An act changing a certain part of a state road in Clay county;
- No. 327. An act for the relief of Henry Ingle;
- No. 271. An act to require the superintendents on the lines of public works to furnish the Auditor of State with a list of tolls;
- No. 270. An act to provide for changing the time of holding probate courts in the county of Vanderburgh;
- No. 311. An act to revive an act to incorporate the Lagro and Manchester Turnpike Company;
- No. 280. An act relating to the assessment of canal lands;
- No. 173. An act for the relief of the heirs of Melchoir Sooder and James Hayes, late of the county of Dearborn, deceased;
- No. 249. An act extending the provisions of an act entitled "an act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31st, 1842; to the counties of Jay and Adams;
- No. 295. An act for the relief of the heirs and legal representatives of James Shumaker, deceased;
- No. 220. An act making the road tax on land in the counties of Fulton, Marshal, White, Pulaski, Jasper, Benton, and Starke uniform, and for other purposes;
- No. 410. An act to regulate the practice of law in the Allen circuit court, and for other purposes;
- No. 202. An act in relation to tavern license in Hancock and Carroll counties;
- No. 391. An act making specific appropriations for the year 1844.
- No. 204. An act to amend an act entitled "An act authorizing the issue of \$5 Treasury Notes for the redemption of the \$50 Treasury Notes now in circulation," approved Feb. 31, 1842.
- No. 278. An act in relation to a state road in Monroe county, and for other purposes;
- No. 356. An act to incorporate the Union Mill company in Laporte county;

No. 275. A joint resolution amendatory of a joint resolution on the subject of counting and cancelling state bonds that have been redeemed by the Treasurer of State, approved February 9th, 1843;

No. 273. An act to repeal the militia law;

No. 254. An act to provide for the transfer of the management of the saline lands and funds in the county of Orange;

No. 413. An act continuing the means for the instruction of the deaf and dumb of this State;

No. 409. An act to amend an act entitled "an act to confine the voters of Tippecanoe, Cass, Porter, Lake, and Franklin counties to their respective townships and for other purposes," approved Feb. 13th, 1843;

No. 394. An act to vacate the town of Otsego and for other purposes;

No. 274. An act to transfer the books and papers of the office of agent of the town of Indianapolis, and the books and papers of the Michigan road commissioner to the office of State Auditor;

No. 332. An act to locate a state road in the county of Allen;

No. 378. An act to vacate the town of Savannah in the counties of Rush and Shelby;

No. 335. An act relative to certain public ground in the town of Wabash, and the use and improvement of the water power at the lock on the Wabash and Erie Canal at said town;

No. 266. An act to reinstate the records of Noble county;

No. 334. An act to organize the counties of Tipton and Richardville;

No. 318. A joint resolution on the subject of the French Lick in the county of Orange.

No. 403. An act to authorize the removal of all obstructions that may be across the Rockport road in Lawrence and Monroe counties;

No. 375. An act declaring a certain county road a state road in the county of Clay;

No. 395. An act for the relief of Jacob Daringer;

No. 379. A joint resolution for the relief of William Willard;

No. 283. An act to establish an additional place of holding elections in Jackson township, in the county of Washington;

No. 385. An act to provide for the opening and repairing roads and highways in Hancock county;

No. 225. An act to change the mode of selecting seminary trustees in the county of Lawrence, and for other purposes;

No. 390. An act providing for the election of an additional justice of the peace in Posey county;

No. 405. An act for the relief of Dowling & Cole, State Printers;

No. 316. An act to repeal a part of a certain law therein named;

No. 132. An act to amend an act entitled "An act to incorporate the Logansport and Wabash Bridge Company;

No. 59. A joint resolution on the subject of reducing the per diem allowance of members of Congress and for other purposes;

No. 19. An act to vacate part of the state road leading from Lawrenceburgh to the mouth of the Great Miami river;

No. 91. A joint resolution relating to a United States' Armory on the western waters;

No. 37. An act to amend an act entitled "An act providing for the incorporation of towns;"

No. 267. An act to provide for a more efficient mode of expending the road tax in the several counties therein named;

No. 57. An act for the relief of John Sankey of Vigo county;

Whereupon the President signed said bills.

Also, the following enrolled bills of the Senate, entitled acts, to-wit :

No. 174. An act to enable forwarding and commission merchants to enforce liens ;

No. 140. An act supplemental to an act entitled, "an act to incorporate the trustees of Madison University," passed at the present session ;

No. 43. An act amending the 19th section of the 12th chapter, article 7, of the Revised Statutes of 1843, so far as the same relates to certain counties therein named.

Whereupon, the President signed the same.

The following message was received from the House of Representatives, by Mr. English, their Principal Clerk :

**Mr. PRESIDENT :**

The Speaker of the House of Representatives having signed the following engrossed bills of the Senate, entitled acts, I am directed to bring them to the Senate for the signature of its President, to-wit :

No. 122. An act to incorporate the Muncietown and Grant county turnpike company ;

No. 141. An act defining the duties of the State Agent ;

No. 200. An act to repeal an act therein named, so far as the same relates to Delaware county ;

No. 202. An act for the relief of William N. Duzan ;

No. 94. An act authorizing and directing supervisors of public roads and highways to make their returns to the boards of commissioners of their respective counties at the June term thereof ;

No. 180. An act incorporating the Rushville and Shelbyville Railroad Company ;

No. 184. An act in relation to the city of Indianapolis ;

No. 193. An act to establish a state road from Crown Point, in the county of Lake, to Michigan City, in the county of Laporte ;

No. 175. An act repealing all laws now in force providing for a more uniform mode of doing township business in Miami county ;

No. 155. An act to restrict the session of the grand jury to three days at each term of the Hancock circuit court ;

No. 188. An act to authorize the board doing county business of

**Perry county to make settlement with John Elder, former surplus revenue agent of said county ;**

**No. 186. An act for the relief of the securities of William Johnson, late collector of Sullivan county ;**

**No. 190. An act regulating the time of holding courts in the county of Tippecanoe ;**

**No. 205. An act supplemental to an act entitled, "an act to repeal certain acts therein named, relative to Lick creek and Loat river," approved January 13th, 1844 ;**

**No. 66. An act better to secure the payment of the revenue into the State Treasury in such funds as are collected by the county treasurers ;**

**No. 105. An act giving authority to take acknowledgments or proofs of deeds and conveyances as therein named ;**

**No. 47. An act to establish an asylum for the education of deaf and dumb persons in the State of Indiana ;**

**No. 112. An act to incorporate the Lafayette and White River Turnpike Company ;**

**No. 192. An act to certify a certain cause therein named to the Supreme Court ;**

**No. 195. An act to incorporate the St. Mary's seminary in the town of Indianapolis ;**

**No. 177. An act to amend an act entitled, "an act to amend an act entitled, 'an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter ;'"**

**No. 119. An act to repeal an act entitled, "an act to incorporate the trustees of Hanover academy," and an act entitled, "an act to amend an act to incorporate the trustees of Hanover academy," approved January 1st, 1834, and for other purposes ;**

**Whereupon, the President signed the same.**

**Leave was granted to Mr. Hodge to withdraw the petition of Patrick Justice, of Delaware county.**

**On motion of Mr. Pennington,**

**Resolved,** That the door-keeper be required to keep fire in the Senate chamber for one week preceding the next meeting of the General Assembly, in order that dampness may be eradicated from said chamber, and make the same more healthy for the reception of its members.

**No. 204. A bill (of the Senate) supplemental to an act incorporating the Warren county canal company ;**

**Read a second time, and, on motion,**

**Laid upon the table.**

**No. 57. A bill (of the House) for the relief of John Sankey, of Vigo county ;**

**Read a second time, and, on motion,**

**Laid upon the table.**

**The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :**

**Mr. President :**

I am directed to inform the Senate that the House of Representatives continues to insist on its disagreement to the amendment of the Senate to bill No. 259, of the House, entitled, "a bill to provide for the erection of a bridge across French Lick creek, in the county of Orange;" and that Messrs. Bowles and Mooney are appointed a committee of free conference on the part of the House.

Mr. Sands moved that a committee of free conference be appointed on the part of the Senate;

Which motion prevailed.

*Ordered*, That Messrs. Sands and Walpole constitute said committee.

Also, the following:

**Mr. President :**

I am instructed to inform the Senate that the House of Representatives has passed the following engrossed bill thereof, of this title:

No. 398. A bill for the relief of the heirs of George W. Breckenridge, deceased, late of Franklin county;

In which the concurrence of the Senate is respectfully requested.

On motion,

Said bill was laid upon the table.

Mr. Carr of Lawrence offered the following resolution:

*Resolved, unanimously*, That the thanks of the members of the Senate be tendered to William T. Otto, Principal Secretary, and Edward C. Doran, Assistant Secretary, of the Senate, for the able and efficient manner in which they have severally executed their duties at the present session of the General Assembly.

Mr. Ritchey moved to amend by adding, "and other officers elected by the Senate;"

Which amendment prevailed, and

The resolution, as amended, was adopted.

The following report was made by Mr. Sands, from a committee of free conference:

**Mr. President :**

The committee of free conference to take into consideration the disagreement between the two Houses on bill No. 259, to provide for the erection of a bridge across French Lick creek, in the county of Orange, have met, and notwithstanding your committee have made sundry propositions of compromise, they cannot agree; the committee, therefore, most respectfully ask to be discharged from the consideration of the subject.

Which report was concurred in, and the committee accordingly discharged.

On motion of Mr. Sinclear,

The vote upon laying No. 57, a bill for the relief of John Sankey, of Vigo county, was taken from the table; whereupon,

Mr. Dobson moved to amend by inserting the name of "Pansey" after the word "Sankey," wherever it occurs;

Which amendment prevailed, and

The question then being, Shall the bill pass?

The Senate decided in the affirmative.

*Ordered*, That the House of Representatives be informed of the passage of said bill, and their concurrence requested in the Senate's amendment thereto.

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk:

Mr. PRESIDENT:

The House has concurred in the amendment of the Senate to H. bill No. 57, an act for the relief of John Sankey of Vigo county, with the following amendment: Strike out "Pansey" wherever it occurs in the amendment.

On motion of Mr. Sinclear,

The Senate concurred in said amendment.

On motion of Mr. Carr of Jackson,

*Resolved*, That a committee of two be appointed on the part of the Senate, to act with a similar committee to be appointed on the part of the House of Representatives, to wait on His Excellency the Governor, and inform him that the two Houses of the General Assembly have gone through the business of the session, and are now ready to adjourn *sine die*, unless he has some further communications to make.

*Ordered*, That Messrs. Carr of Jackson and Stanford constitute said committee.

The following message was received from the House of Representatives, by Mr. Vawter, their Assistant Clerk:

Mr. PRESIDENT:

The House of Representatives has reciprocated the resolution of the Senate, appointing a committee to wait on His Excellency the Governor, and inform him that both Houses of the General Assembly have completed their legislative business, and are now ready to adjourn *sine die*, if he have no further communication to make to them; and Messrs. Norvell and Simonson are appointed said committee on the part of the House.

On motion,

The Senate adjourned until 8 o'clock this evening.



8 o'clock, P. M.

The Senate assembled.

The following message was received from His Excellency the Governor by Mr. Kinder, his private secretary :

Mr. President :

I am instructed by His Excellency the Governor to inform the Senate that he did, on the 15th instant, sign and approve the following acts and joint resolutions :

No. 185. A joint resolution in relation to the purchase of water-rotted hemp for the United States Navy ;

No. 106. An act to repeal a certain act therein named ;

No. 32. An act to vacate the western addition of the town of Palmyra, in the county of Harrison ;

No. 158. An act to legalize the recording of the delinquent list of lands and town lots in the county of Gibson ;

No. 127. An act to vacate an alley in the city of Lafayette, Tippecanoe county, Indiana ;

No. 183. An act for the relief of John Houghton, of Marshall county ;

No. 115. An act for the relief of Abraham Perkins, of Daviess county ;

No. 67. An act to establish a state road in Miami county ;

No. 128. An act to extend the provisions of an act therein named to Delaware county ;

No. 129. An act to change the mode of selecting petit jurors in the county of Lawrence, and for other purposes ;

No. 126. An act to vacate the town of Northampton, in the county of Harrison ;

No. 104. An act to repeal an act therein named ;

No. 146. An act to provide for a special session of the circuit court of the county of Jefferson ;

No. 107. An act to authorize the circuit court of Gibson county to grant a divorce in a certain case therein named ;

No. 169. An act to incorporate the College Corner and Liberty Turnpike Company, and the Liberty and Abington Turnpike Company ;

No. 172. An act to provide for the election of a justice of the peace in the town of Ferdinand in Dubois county ;

No. 179. An act relative to the establishment of ferries ;

No. 147. An act fixing the time of holding the courts in the ninth judicial circuit ;

No. 171. An act to change the name of Aaron Dyer Bull of Franklin county ;

No. 162. An act for the relief of the borrowers of school funds in township number eight in Monroe county ;

No. 96. An act to authorize the issuing of a patent for a part of a lot of canal land ;

No. 148. An act extending the benefit of the valuation laws to judgment debtors to the surplus revenue, and giving additional time to such persons for the payment of the same ;

No. 118. An act to legalize the proceedings of the board of justices of Gibson county.

No. 108. An act to amend an act entitled, "An act providing for the summoning and empannelling jurors in the counties of Delaware, Grant, Scott, Franklin, Floyd, and Union," approved January 23d, 1843 ;

No. 120. An act incorporating the town of South Bend, St. Joseph county, Indiana ;

No. 178. An act for the relief of the purchasers of school lands in Delaware, Randolph, Lagrange, Noble, Steuben, and De Kalb counties ;

No. 114. An act to legalize the marriage of Oliver W. Sanger and Catharine, his wife ;

No. 99. An act to amend an act entitled "An act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike," approved January 31st, 1842 ;

No. 181. An act to repeal certain acts therein named in relation to the seminary and library in the county of Crawford ;

No. 133. A joint resolution in relation to the completion of the Wabash and Ohio canal ;

No. 109. An act to incorporate the First Regular Baptist Church of Lafayette, in Tippecanoe county, Indiana ;

No. 18. An act for the relief of purchasers of school lands ;

No. 101. An act to amend the 15th chapter of the Revised Statutes, and to repeal the 83d and 98th sections of the same ;

No. 9. An act to incorporate the Brothers of St. Joseph, at South Bend, St. Joseph county, Indiana ;

No. 166. An act relating to road labor in the town of Spartansburgh, in the county of Randolph ;

No. 100. An act to legalize the election of probate judge in Boone county ;

No. 125. An act legalizing the assignment of the certificate of the school commissioner of Marshall county to certain land by him sold to Marshall Hall ;

No. 150. An act to extend the time of holding the circuit court in the county of Ripley, and to change the times of holding the same in the counties of Jennings, Jefferson, Switzerland, and Dearborn ;

All of which originated in the Senate.

Also, the following message :

**Mr. President :**

I am instructed by His Excellency the Governor to inform the Senate that he has this day signed and approved the following acts and joint resolutions :

No. 189. An act in relation to the boundary line between the counties of Clark and Floyd ;

No. 24. An act to locate a state road in the county of Lawrence ;

No. 131. An act to incorporate the Lafayette Blues, in Tippecanoe county, Indiana ;

No. 14. An act to provide for summoning grand and petit jurors in Decatur and Warren counties ;

No. 29. An act for the relief of the heirs of Joseph Steinberger.

All of which originated in the Senate.

The following message was received from His Excellency the Governor by Mr. Kinder, his private secretary :

**Mr. President :**

I am instructed by His Excellency the Governor to inform the Senate that he did this day approve and sign the following acts and joint resolution :

No. 202. An act for the relief of William N. Duzan, of Boone county ;

No. 200. An act to repeal an act therein named, so far as the same relates to Delaware county ;

No. 141. An act defining the duties of State Agent ;

No. 122. An act to incorporate the Muncietown and Grant county Turnpike Company ;

No. 184. An act in relation to the city of Indianapolis ;

No. 180. An act incorporating the Rushville and Shelbyville Railroad Company ;

No. 193. An act to establish a state road from Crown Point, in the county of Lake, to Michigan City, in the county of Laporte ;

No. 175. An act repealing all laws now in force providing for a more uniform mode of doing township business in Miami county ;

No. 155. An act to restrict the session of the grand jury to three days at each term of the Hancock circuit court ;

No. 188. An act to authorize the board doing county business in the county of Perry to make settlement with John Elder, former surplus revenue agent of said county ;

No. 94. An act authorizing and directing supervisors of public roads and highways to make their returns to the boards of commissioners of their respective counties at the June term thereof ;

No. 205. An act supplemental to an act entitled, "an act to repeal certain acts therein named relative to Lick creek and Lost river," approved January 13th, 1844 ;

No. 105. An act giving authority to take acknowledgments or proofs of deeds and conveyances as therein named;

No. 66. An act the better to secure the payment of the revenue into the State Treasury in such funds as are collected by the county treasurers;

No. 190. An act regulating the time of holding courts in the county of Tippecanoe;

No. 186. An act for the relief of the sureties of William Johnson, late collector of Sullivan county;

No. 47. An act to establish an asylum for the education of deaf and dumb persons in the State of Indiana;

No. 199. An act to certify a certain cause therein named to the supreme court;

No. 195. An act to incorporate St. Mary's Seminary in the town of Indianapolis;

No. 177. An act to amend an act entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter;

No. 119. An act to repeal an act entitled "An act to incorporate the trustees of Hanover Academy, and an act to amend an act to incorporate the trustees of Hanover Academy," approved January 1st, 1834, and for other purposes.

No. 194. An act providing for the payment of certain claims due Samuel Myers, Alfred Makepeace, and William Young;

No. 174. An act to enable forwarding and commission merchants to enforce liens;

No. 140. An act supplemental to an act entitled "An act to incorporate the trustees of Madison University," passed at the present session;

No. 143. An act amending the nineteenth section of the twelfth chapter, of article seven, of the Revised Statutes of 1843, so far as the same relates to certain counties therein named;

All of which originated in the Senate.

[ Mr. Carr of Jackson, from the committee appointed to wait on the Governor, made the following report : ]

Mr. PRESIDENT :

The committee appointed to act with a similar committee on the part of the House of Representatives, have waited on his Excellency the Governor, and have received for answer, that he has no further communication to make, and he takes this occasion to wish the members a safe and happy return to their firesides and friends:

The following message was received from the House of Representatives by Mr. Vawter, their Assistant Clerk :

Mr. PRESIDENT :

I have been directed by the House of Representatives to inform the Senate that the House has adopted the following resolution :

*Resolved*, That the Senate be informed that the House of Representatives have gone through with their legislative business, and are now ready to adjourn *sine die*.

On motion of Mr. Pennington,  
The Senate reciprocated said resolution.

Whereupon, the President arose and delivered the following address :

*Gentlemen of the Senate :*

Our legislative labors for the present session have now closed, and it only remains for me to make the usual annunciation, when we shall separate, many of us, perhaps, never to meet again. But before that separation took place, he said he would embrace the present occasion to make a few remarks, which were unpremeditated, and without any arrangement of thought, as he but seldom wrote out what he had to say. What he now said, however, would be uttered in a spirit of kindness, and he desired that it might be received in the same spirit. He might on this occasion depart from precedent, but he trusted that the peculiar attitude in which he was placed before the country, would plead his justification for so doing. He wished first to notice a practice that usage had almost ripened into a law, and which he had viewed as essentially wrong; but, with his limited experience in public life, he had deemed it as the wiser course (as it would be recollected,) heretofore to call it to the notice of the Senate, mostly composed of members who were his seniors in years, for their opinion and direction in the matter. He alluded to the practice of presiding officers signing the accounts of members before the day of adjournment, thereby enabling them to draw their pay and return home before the close of the session. The advice and direction thus sought for had not been given. Consequently, to-day the Senate has been deprived of the attendance of several of its members, and on taking the vote upon some questions, not even a quorum was found to be present. It would be borne in mind that to-day, (*while he was absent from the chair,*) a resolution had been introduced by one of his friends, tendering to him the thanks of the Senate. He had hoped that all present were his friends, for he could say with all sincerity, that he had met them at the commencement of the session without an unkind feeling against any member of this body. Candor, however, required him to say, that self-respect, and his views of justice and propriety, had compelled him to view the course and conduct of three or four in no other light than that of pity and contempt. But this was neither the time nor the place to pursue that subject further. The vote on this resolution was equally divided, nineteen voting for and nineteen against it. *Every Senator present, agreeing with him politically, voted for it*, with but one of those who differed with him, and he is the Senator from his own county. Comment

upon these facts is, perhaps, unnecessary. But what ground, he asked, had he afforded Senators to take the unusual course they have seen proper to adopt? Could they complain of any want on his part, of courtesy, attention, or favor? Had he not placed every Senator opposed to him on more than one committee? Had he not appointed several of them as chairmen of committees? Did not, indeed, several of the committees contain a *majority* of his opponents? And were not at least three of those committees of the first rank in importance in the Senate? All this was undeniably true, and all this had been done through an anxiety on his part to fill the post assigned to him by the people, not only with fairness and impartiality, but to guard against the prejudices of the lynx-eyed jealousy of party spirit. How successful he had been in his attempt to allay that spirit, the people would determine. Nor would he individually complain of this vote, whatever might have been the motives of Senators in adopting a course which, as he believed, was without precedent, *for in truth personally he cared nothing about it.* If Senators were able to reconcile their conduct to their own sense of right, he had nothing to say. A Senator opposed to him in politics, (the Senator from Posey) had openly avowed in his place on this floor the other day, that he could not lay his hand upon his heart and say, that in any legislative act of his, during the present session, he had been entirely free from party bias. He (Mr. B.) honored the candor of this declaration, whatever might be thought of the principle, and he could have wished that more in this body who had uniformly *voted and acted with that Senator*, had given an expression of their feelings equally as frank and unreserved. Now, what had been his (Mr. B's) position? He certainly should not place himself before the people as one destitute of any fixed principles, nor should he deny a strong and natural wish for the prevalence of his principles, necessary as he believed them to be to the welfare, aye, the salvation of the country. But it had been his object to discharge his duties there with a scrupulous regard to justice, and a constant desire to guard and protect those rights of the people and their representatives on this floor, which were secured to them by the constitution. Whether *he* had been controlled more by party prejudice than by a regard to the common welfare, he preferred that *his actions* should speak.

When he took his seat in this body as its presiding officer, he deeply felt the responsibility of the station. Young and inexperienced, he had invoked in his opening address, with all sincerity, the aid and co-operation of the Senate. He had hoped for the indulgence and forbearance of his political opponents, as well as his political friends. The latter, with a few of the former, had indeed generously thrown around him the mantle of their charity, and had awarded to him honesty and sincerity of purpose. But the course of nineteen Senators had been the reverse; and their action to-day was as unexpected as it was unmerited; so far as his motives were concerned. The strength of parties being, for the first time in this State, equally bal-

anced in the Senate, it had devolved on him to give more *casting votes* during this session than had fallen to the lot of any of his predecessors. When his casting vote had been given on questions of a local character, or of State policy, he was not conscious of having been governed by party feelings. He had certainly endeavored to avoid even a suspicion of this kind. He had looked exclusively to the substantial interests of the State—to the welfare of the people who had honored him with their confidence. It had also become his duty, while occupying his present position, to pass upon measures of national policy. In making such decisions, and in giving such votes, he had been invariably governed by a principle which had actuated him through the whole of his life—a desire for the happiness, the liberties, and the glory of his country. And that feeling he trusted would never desert his heart while it was warmed by the vital current. (Applause.) But further: he had so acted in accordance with his uniformly avowed doctrines, with his oft repeated pledges, with his solemn declarations, publicly made, before the people, while canvassing for the very office he now held by their favor—who could reasonably ask or expect that he should become recreant to those very principles by the avowal of which, through the favor of the people, he had attained his present station? His feelings revolted at the thought! sooner than prove a traitor to principles so dear to his heart—so well approved by his judgment—to the support of which he had so solemnly pledged himself to a virtuous and confiding people—sooner should his tongue be palsied in his mouth, and his right arm drop from its sockets! (Loud and long continued applause.) If his course in that place had not been characterized by the strictest impartiality, as at this late hour had been pretended, why had he not been advised of it before? *But one of his decisions had been appealed from during the whole session, and even that appeal was not sustained*—a number of Senators politically opposed, to him having voted to sustain his judgment. No, if he had been governed by partial motives, he was not conscious of it, and certainly the Journal of their proceedings did not show and would not prove it. The implied censure of the Senate was therefore unjust, or their own records were untrue.

But, said Mr. B., if the emblems of mourning with which this Hall is now hung, and which served to remind them that death had been in their midst, had not had the effect to inspire a different course of conduct towards him, it was no reason to his mind why he should follow the example by indulging in a spirit of retaliation. Evil for evil was no part of his nature. He expected to meet a majority of them here at the next annual session, and he should meet them as the representatives of the people. He trusted that his disposition was such that in all his official intercourse, he should, whether he was the object of either praise or censure, cheerfully, and if need be, fearlessly, perform his duty. He thanked God that his lot had been cast in a land of liberty—a land where such was the genius and spirit of its

civil government, that with the people was lodged all political power. The freemen of Indiana were his triers; they were the jury that would sit in judgment on his public conduct, and not *nineteen partisan Senators*.

Wishing them all a safe return to their respective homes, and the enjoyment of health and happiness, the President then declared, in pursuance of the resolutions passed by the two bodies, the Senate adjourned *sine die*.

Attest:

ED. C. DORAN,  
*Assistant Secretary.*



# CONTRACT

OF

## SUPERINTENDENTS OF STATE PRISON.

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THIS memorandum of an agreement made and entered into between the State of Indiana, by Samuel Bigger, Governor of the said State, of the one part, and Joseph R. Pratt and John McDougal, superintendents of the state prison of said State, under the name and description of Pratt and McDougal, of the other part, witnesseth, that, whereas, the Governor of said State was, by an act of the General Assembly, being an act to amend the several acts for the regulation of the state prison, approved January 31st, 1842, directed to purchase a lot of ground as a suitable site for a state prison, and as soon as he should adopt a plan for said prison, to contract for the erection of one wing of cells, etc., which site has been obtained and plan adopted; and, whereas, also, the said Governor, by the said act, is authorized to compound with said superintendents in relation to their contract, on the best possible terms for the interest of the state or to so modify or rescind it, with their assent, as to put it in the power of the State to avail herself of the labor of the prisoners in the erection of the contemplated new prison, together with such materials of the old one as may, with advantage, be wrought into the new, for which object the sum of five thousand dollars was appropriated by said act. It is therefore agreed, by and between the said State of Indiana and the said superintendents, that the original contract between them and the said State shall remain and continue as heretofore, except so far as herein modified; that the said superintendents shall commence and continue the construction of said new prison, on the said site, as the amount of profits accruing to the State, arising from the labor and employment of the prisoners, and the sum or sums appropriated by the State will enable them. That the said superintendents, in all the work they do and perform on said

prison, shall, in all things, conform strictly to the plans, drafts, designs, and specifications prepared by J. Elder, and herewith delivered to said superintendents, a duplicate of which is retained. For all work done and performed on said prison, said superintendents shall be allowed the following prices:—

1. For furnishing all the materials and putting up the stone foundation of the cells, at the rate of two dollars per perch of stone;
2. The furnishing all the materials and putting up the stone work of the outer wall, outside the cells, including the foundation of said wall and the foundation of the front building, at the rate of four dollars and twenty-five cents per perch of stone—a perch of stone, as used in this agreement, contains twenty-five cubic feet;
3. Sills and caps of stone, running the whole length above and below the doors of the cells, one dollar and twenty-five cents per foot, running measure;
4. For furnishing bricks and all other materials in putting up the brick walls, and putting up the same, the materials and bricks saved by the doors, windows, and other openings deducted, six dollars per thousand brick. The pavement of the cell floors to be seventy-five cents per square yard. The grouting between the cells, to be estimated with the brick work, at the same price;
5. All the iron to be furnished, and the iron work to be made and put up in its proper place in the building, complete, at the rate of eleven cents per pound, to be weighed when the same is prepared, ready to be placed in the building;
6. The excavation of earth in preparing the site, at the rate of twenty-five cents per cubic yard;
7. Materials for wood work and carpenter work in said prison to be estimated at the usual and customary prices, and also the roof of said prison;
8. The stone work shall be measured to ascertain the number of perches in the wall;
9. The said Governor reserves the right of selecting a suitable and properly skilled person to superintend the construction of said prison, the compensation of said person to be paid by said superintendents out of the joint proceeds of said prison;
10. All materials taken and used from the old state prison, to be removed and put up at such price as shall be reasonable;
11. A deduction in the number of cells may be made at the option of said Governor.

SAM. BIGGER,  
PRATT & McDUGAL.

May 1st, 1842.

(COPY.)

## DIRECTIONS AND SPECIFICATIONS

FOR

# PENITENTIARY BUILDING.

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The front building will be in size, fifty feet square, fronting south, and three stories high. The first floor will be elevated four feet above the present surface of the ground, having a cellar underneath.

The stories will be twelve feet, eleven feet, and ten feet each in the clear.

The foundation walls will commence five feet below the surface of the ground; all the earth in the interior will be excavated to the necessary depth for cellar purposes.

The east, west, and north outside walls will be two and a half feet in thickness, and built of stone from the foundation to the height of thirteen feet above the surface of the ground, and thence to the upper square of the building, eighteen inches thick, of hard, well burnt bricks. The south or front wall to be same thickness (two and a half feet,) and of stone from foundation to surface of ground, and thence to upper square, eighteen inches thick, of best quality front brick.—The gable walls will be fourteen inches thick. The front will be finished in conformity with the draft. The main body of the building will recede eighteen inches within the line of the projecting tower pilasters, which will have a cut stone string course, twelve inches thick at the termination of the batter (or square,) and the top wall of the whole front will be coped with cut stone ten inches thick and six inches wider than the wall they cover.

The interior wall which separates the guard room from the hall, will be eighteen inches thick from the foundation to the second floor.

The remaining interior dividing walls will be fourteen inches thick from the foundation as high as it may be necessary to carry them.

The joists for the first and second floors will be of white oak, three by twelve inches, and spaced not exceeding ten inches from centre to centre, and well bridged. Those for the remaining upper floors may be of poplar or walnut, two and a half by twelve, and spaced twelve inches from centre to centre, and also bridged. The floors will be laid by one and one fourth by five or six inch sound blue ash or yellow pine, tongued and *plowed*; and under the first and second floors, between the joists, will be laid a coating of two inches of lime and sand mortar.

The roof will be composed and put up of tie beams, stretching across the building, supported by queen posts, and principal rafters of suitable sized timber, on which will be laid the common rafter, supported by purlines, the whole sheeted over tight, and covered with tile, to finish over a brick cornice. The tie beams will be spaced ten feet apart from centre to centre. The common rafter will be spaced eighteen inches apart from centre to centre.

The outside prison walls which enclose the cells will be the same width as the front building, and will connect with it, and extend north one hundred and eighty-nine feet.

The foundation wall start five feet below the surface of the ground two and a half feet in thickness to the surface of the ground; and from thence to the window sills, (thirteen feet above surface of ground) will be of stone, and batter, on the outside, five eighths of an inch to the foot rise, terminating to twenty-two inches thick, and from thence to the upper square, (same height of front building,) of hard well burnt brick, twenty-two inches thick; (the inner side of this wall will be perpendicular.)

The stone work throughout this building and also of the front building, will be of uncut range work, hammer dressed, to make close level walls and tight joints; in courses varying from eight to fifteen inches thick, commencing at the base with the largest courses and terminating with the smallest. The stone should be procured as much as possible in blocks the whole thickness of the wall, or at least every alternate stone in each course must cover the whole thickness of the wall.

The stone portion of the wall will be covered with a course of cut stone the entire length and width of the outer prison, eight or ten inches thick and three inches wider than the wall, to project out.— This course will form the sills for the windows; the windows opening will have stone caps, which, with the sills, will receive the gratings for the windows.

The whole will be roofed over with truss frames resting on the top of the blocks of cells, supporting purlines; the rafters will be in one length three by eight at butt, and three by four top, and spaced eighteen inches from centre to centre, and spiked to the wall plate and purline, the whole sheeted over tight, and covered with tile, as the front building. The truss frames will be spaced eight feet from centre to centre.

[ See draft of cross section of outside prison and cells. ]

Inside of this outside prison will be erected, of hard and well-burned bricks, a block of cells four stories high, containing 248 cells, each cell four feet by seven feet, arranged back to back. The size of the entire block, or base of it, will be 20 feet by 158 feet long, placed in the centre of the width, of the outer prison, so as to leave an area of 12 feet on each side, and ten feet at the north end, area 17 feet at the south; all the outside walls, and the centre wall will be two feet thick, the dividing walls will be one foot thick, each cell will be arched overhead with a 12 inch arch, and the space between the arch and the floor of the next cell will be filled compactly with broken stone and well grouted; the space under the lower tier of cells, as low as the foundation of the block, will also be filled with broken stone and grouted.

There will be two courses of cut stone eight or ten inches thick, by the width of the wall, to each tier of cells, the entire length of the block, in a line with the sill and heads of the doors, so as to constitute the sills and heads for the cell doors, each cell will be furnished with pine or poplar furring, one inch by four or six inch, upright to the spring of the arch, spaced ten inches apart from centre to centre, and lathed and plastered, two coats, and white-washed. The floors of the cell may be of hard, well-burned brick, laid solid in cement on their edge. The floors of the area, between the cells and outer prison wall, will be of brick, one foot above the surface of the ground outside, and eight inches lower than first tier of cell floors.

A balcony three feet wide, and the whole length of the block, will be put up to each tier of cells, with a substantial hand rail (as per plan), if of wood, the timber for the floor will be three by six inches, and have a bearing of two feet on the wall, and spaced two feet from centre to centre; each bearer will be supported underneath by an iron or wooden brace, the upper surface will be floored over tight with inch thick plank, of pine or poplar.

The windows of the outside prison enclosing the cells will be made in size of opening suitable for glass 10 by 15, four lights wide and eight lights high, to be hung with hinges, and to open inwards in the form of shutters (to fold).

The windows opening for the front building to be made in the ordinary way, twelve lights to a window of 12 by 16 glass; all the interior of the front building, and of the outer prison, side walls and ceilings, will be plastered, two good coats, and white-washed.

All of the wood work, internally and externally, which it is common and usual to paint, will be painted; two good coats of white lead and linseed oil.

All the brick used in the erection of the cells, and of the outside prison walls, will be required to be hard and well-burned, laid with full joint mortar, and each course, as the work progresses, to be dashed until every crevice is filled up.

The mortar will be made of the quality of stone lime, and clean river-washed sand, in the proportions of one third lime and two thirds sand, and will be ten days or two weeks old after mixing before using.

The grating for the large windows of the prison enclosing the cells, will be made of round iron one and a half inches in diameter, passing through flat cross. Each window will have eleven perpendicular grates of the round iron, drilled four inches into the stone sills and caps, and passing through five cross bars, five eighths by three and a half inches, spaced about twenty inches apart, and laid securely into the wall on each side of the window jam.

The ends of these cross bars will enter into the walls about twelve inches, and be split and parted and walled fast. Inside of the iron grate will be placed a light wooden frame for the sash.

The grating for the front house will be made in the same manner, and of the same sized iron, differing only to correspond with the size of the windows.

The door frames for the cells will be made of iron bars, one inch by three inches, placed upright, with flat side out, 21 inches apart from edge to edge, and drilled four inches into the sills and caps of the doors, having at least three split bars, one half by two inches, and eighteen inches long, and riveted to the back of each side of the frame, and securely walled into the jamb, and a lock catch riveted on the side.

The door will hang outside of the frame, and set over on the frame one and a half inches on each side, and turn on hooks set into the frame, and riveted fast.

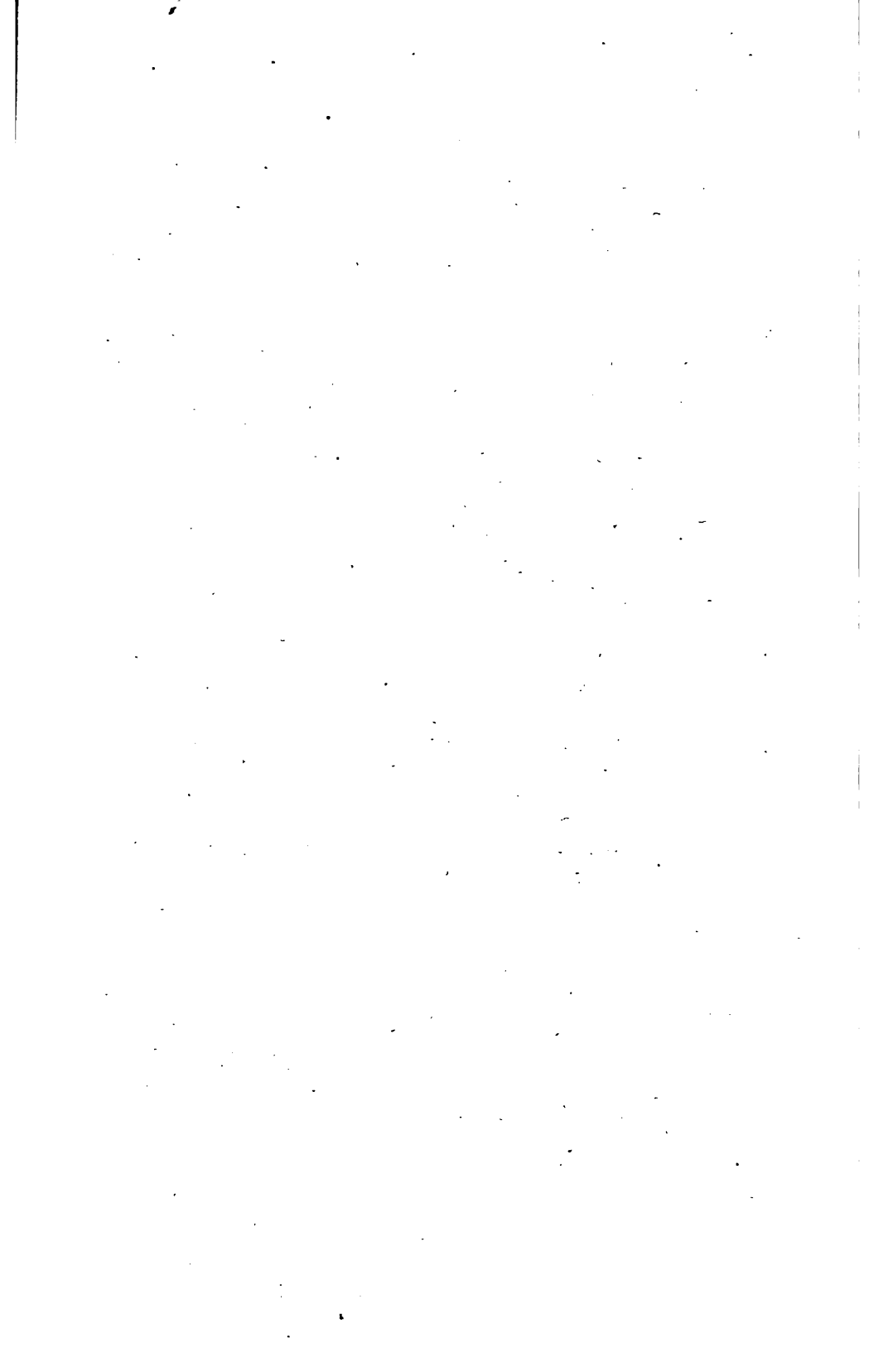
The door will be made two feet wide and six feet high, of iron bars, one half inch by two inches for the outside frame of the door, and having six cross bars riveted into the outer frame, and all drilled for the passage of three quarters round iron, passing perpendicularly through the cross bars, spaced about one and three quarters inches apart, and securely riveted at top and bottom in counter sunk holes, a lock plate of one eighth thick sheet iron may be put in by riveting in its proper place, on which to secure the lock or spring, as may be thought best.

The cell in the fourth story will vary from the drafts as follows: Commencing at one end of the building with a single cell the size of those in the other stories; then the space of two cells, then one, and so on a single and double sized cell, until the whole story, so far as it can be divided, is filled up to the end of the row of cells on said, fourth story. The object of said double sized cells is for the solitary confinement of convicts.

(Signed)

PRATT & McDOUGALL

May 1st, 1842.



# INDEX.

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## A

### ABSENCE.

Mr. Farmer, leave granted to,	-	-	-	-
Mr. Orth, leave granted to, -	-	-	-	-
Mr. Reeve, leave granted to,	-	-	-	-
Mr. Hutton, leave granted to,	-	-	-	-

### ADJOURNMENT.

Resolution for, on 1st Monday of January, 1844,	-	-	37
Resolution of H. R. for, on 15th of January,	-	-	130

### APPEAL.

From decision of Chair in case of Henry's contested election,	319
From decision of Chair, by Mr. Walpole, - - -	564

### AUDITOR OF STATE.

Annual report from, accompanied Governor's message, -	13
Transmitting copies of commissioners' reports (N. A. road),	496
Election of, - - - - -	119

### AGENT OF STATE.

Michael G. Bright elected, - - - - -	213
Report of his contingent expenses, - - - - -	138
Report in answer to a resolution, - - - - -	455



## AYES AND NOES.

On resolution to furnish newspapers to Senate,	10
On resolution to furnish newspapers to Senate,	10
On postponing resolution relative to newspapers,	11
On Chapman's resolution as to newspapers,	35
On Defrees's resolution as to newspapers,	36
On Ewing's resolution as to northern boundary of Knox,	41
On joint resolution No. 4, distribution of Revised Code,	47
On Ewing's resolution as to Knox county line,	54
On going into election of Auditor and Treasurer,	55
On bill to reduce salaries of State officers,	58
On bill of H. R. No. 45 (salary bill),	59
On Walpole's amendment to salary bill,	59
On salary bill of Senate No. 23,	66
On Davis's report on bill of Senate No. 23, and bill of H. R. No. 45,	77
On Dobson's amendment to same,	77
On concurring in report of Davis of Floyd on salary bills,	81
On engrossment of bill to reduce salaries,	82
On passage of same,	83
On fixing a day for election of State officers,	85
On Hoover's resolution as to constitutionality of law requiring blacks to give bond in certain cases,	87
On divorce bill of Senate No. 36,	97
On amending bill of Senate No. 9 (Brothers of St. Joseph),	98
On concurring in Orth's report as to calling a Convention,	107
On postponing bill of Senate No. 30 (divorce bill),	110
On going into election of President Judges,	116
On petition from Floyd relative to frauds in elections,	117
On joint resolution of Senate No. 50,	126
On time to elect Superintendent of Wabash and Erie canal,	128
On adjourning 15th of January,	130
On bill of H. R. No. 46,	136
On joint resolution of H. R. No. 2 (Gen. Jackson's),	140
On bill No. 46 of Senate,	142
On rejecting bill No. 101 of H. R.,	143
On bill of Senate No. 41 (relief of treasurers),	147
On bill repealing certain provisions of Revised Statutes,	154
On adjourning over to Tuesday,	157
On passage of bill of Senate No. 41 (relief of treasurers),	160
On adjourning until Tuesday,	163
On laying Ewing's instructions on table (bill H. R. No. 101),	167
On passage of bill of H. R. No. 101 (voting viva voce),	169
On instructions to abolish two commissioners on New Albany and Vincennes road,	171
On bill of Senate No. 52 (Greensborough, Henry county),	176

On bill of Senate No. 36 (divorce of Miller and wife),	177
On postponing bill of Senate No. 81 (county treasurers),	187
On postponing bill of Senate No. 84 (Miami records),	188
On resolution calling on M. G. Bright, Agent,	204
On engrossing bill of Senate No. 45 (Wabash Rapids),	219
On passage of bill of Senate No. 66,	223
On engrossing bill of Senate No. 80 (auditor of Union),	232
On postponing bill of Senate No. 73,	235
On laying on table depositions as to Henry's contested election,	242
On passage of bill No. 8 of H. R. (forming new county),	246
On laying on table report of committee on case of David Henry's contested seat,	317
On Chapman's motion to introduce a resolution on the subject of the contested election of D. Henry,	317
On Walpole's appeal from decision of Chair, in case of David Henry's contested seat,	319
On laying on table Chapman's resolutions,	319
On striking out "par funds"—Wilber's resolution,	340
On meeting at 84 o'clock, A. M.,	346
On joint resolution No. 2 of H. R. (Gen. Jackson's),	358
On concurring in report of committee on elections as to credentials of Senators elect,	366
On striking out "Joseph H. Hendricks,"	369
On boundary between Gibson and Warrick,	369
On joint resolution reducing the salary of President of the State Bank,	371
On passage of bill No. 90 of Senate,	374
On passage of bill of Senate No. 45 (improvement of rapids),	376
On reciprocating resolution of H. R. to elect a Librarian,	377
On laying on table reports (of majority and minority) from committee on elections on Henry's case,	385
On adopting majority report (committee on elections),	391
On Ewing's amendment to bill of Senate No. 60,	391
On passage of bill of Senate No. 60 (benefit of married women),	392
On bill for relief of settlers on Wabash and Erie canal lands,	396
On amendment to same (bill No. 149 of Senate),	397
On postponement of same bill (No. 149),	398
On abolishing office of auditor in Monroe,	399
On passage of bill of Senate No. 93 (distributing bank tax fund),	401
On laying on table bill of Senate No. 98 (reducing clerk's fees),	401
On abolishing fee for Wabash and Erie canal patent,	403
On postponing joint resolution No. 297 of H. R. (State Prison),	407
On Walpole's amendment to resolution to print majority and minority reports in case of D. Henry,	409
On adoption of resolution to print said reports,	410

On report of committee (concurring) on bill No. 112 of Senate,	415
On passage of bill of Senate No. 112,	416
On bill No. 122 of Senate (Muncietown Turnpike Co.),	417
On Pennington's report on petition of J. Chambers,	418
On passage of bill No. 110. of Senate (boundary of Knox),	420
On adoption of resolution giving to Governor the appointment of Librarian and Agent on Central Canal,	425
On resolution to publish all the evidence and depositions in case of D. Henry's contested seat,	426
On rejecting bill No. 176 of Senate,	427
On bill No. 183 of Senate (relief of J. Houghton),	431
On Wilber's amendment to bill of H. R. No. 126,	436, 438
On passage of bill for relief of John Law and others,	473
On Ewing's report on bill No. 102 of H. R.,	476
On laying on table joint resolution reducing salaries,	483
On passage of bill to reduce the tolls on New Albany and Vincennes road—bill of H. R. No. 144,	488
On passage of bill to reduce salary of clerk of State Prison,	492, 493
On laying on table bill of H. R. No. 126 (tolls on Wabash and Erie canal),	517
On Morgan's amendment to revenue bill,	520
On Bradley's amendment to same,	521
On Buell's amendment to same,	521
On Cornett's amendment to same,	521
On allowing Kelso per diem and mileage for prosecuting his claim to a seat,	540
On passage of specific appropriation bill,	541
On postponing bill of H. R. No. 334,	544
On passage of bill of H. R. No. 334 (Tipton and Richard- ville),	546
On receding from disagreement on bill making specific appro- priations for 1844,	553
On suspending rules to read bill No. 153 of H. R.,	554
On suspending rules for joint resolution to provide means for the support of the State Government,	555
On laying on table same,	556
On taking up bill of H. R. No. 218 (auditor of Monroe),	557
On suspending rules and taking up bill No. 204 of H. R.,	558
On resolution of thanks to President of Senate,	563
On Ewing's amendment to Treasury Note bill (No. 204, H. R.),	567
On passage of Treasury Note bill, No. 204 of H. R.,	568
On postponing bill to postpone payment of taxes for 1844,	569
On bill No. 165 of Senate, vetoed by Governor,	582
On bill of Senate No. 43,	583
On Dobson's amendment to bill of H. R. No. 304, for relief of John Smith of Carroll,	584
On same—inserting Joseph H. Hendricks's name,	585
On recommitting same with instructions,	585

## ALEXANDER, ARCHIBALD.

-Appears, - - - - - 4

## AKIN, RANSOM W.

Appears and sworn, - - - - - 5  
 Motion by, to lay on table Ewing's resolution in relation to  
 northern boundary of Knox county, - - - - - 41

## B

## BANK, STATE.

Reports of Branches (See reports in Documentary Journal).  
 Report of President as to salaries of officers, - - - 86  
 Report of President as commissioner of sinking fund, - - - 64  
 President elected—James Morrison, - - - 252  
 Director elected—Abel C. Pepper, - - - 344

## BRADLEY, HUGH J.

Appears, - - - - - 3  
 Motion by, to add "Parke" to bill of Senate No. 48, - - - 165  
 Motion by, to add "Parke" to bill of Senate No. 81, - - - 188  
 Announces the death of Stephen S. Collett of Vermillion, - - - 207  
 Motion by, to amend bill of H. R. No. 126 (canal scrip), - - - 437  
 Motion by, to amend revenue bill, - - - 521  
 Motion by, to amend specific appropriation bill, - - - 540

## BEECHER, Rev. HENRY W.

Session opened with prayer by, - - - - - 9

## BERRY, GEORGE.

Appears and sworn, - - - - - 4  
 Motion by, to reconsider vote on salary bill of Senate No. 23, - - - 67  
 Motion by, to amend bill of Senate No. 112, - - - 415  
 Motion by, to suspend rule and pass bill No. 103, H. R., - - - 485

## BURKE, LEWIS G.

Appears, - - - - - 3  
 Motion by, to reconsider Chapman's newspaper resolution, - - - 23  
 Motion by, to take up resolution for election of Judges, - - - 44

Motion by, to take up resolution relative to law requiring banks to continue specie payments, - - -	50
Motion by, to amend joint resolution No. 31, - - -	73
Motion by, to amend bill of Senate No. 41 (relief of treasurers), -	146
Motion by, to add "bridge at Richmond," joint resolution of H. R. No. 60, - - -	162
Motion by, to postpone militia bill (No. 17 of Senate), -	335
Motion by, to amend bill No. 221 of H. R., reduction of bank stock, - - -	493

### BUELL, JAMES H.

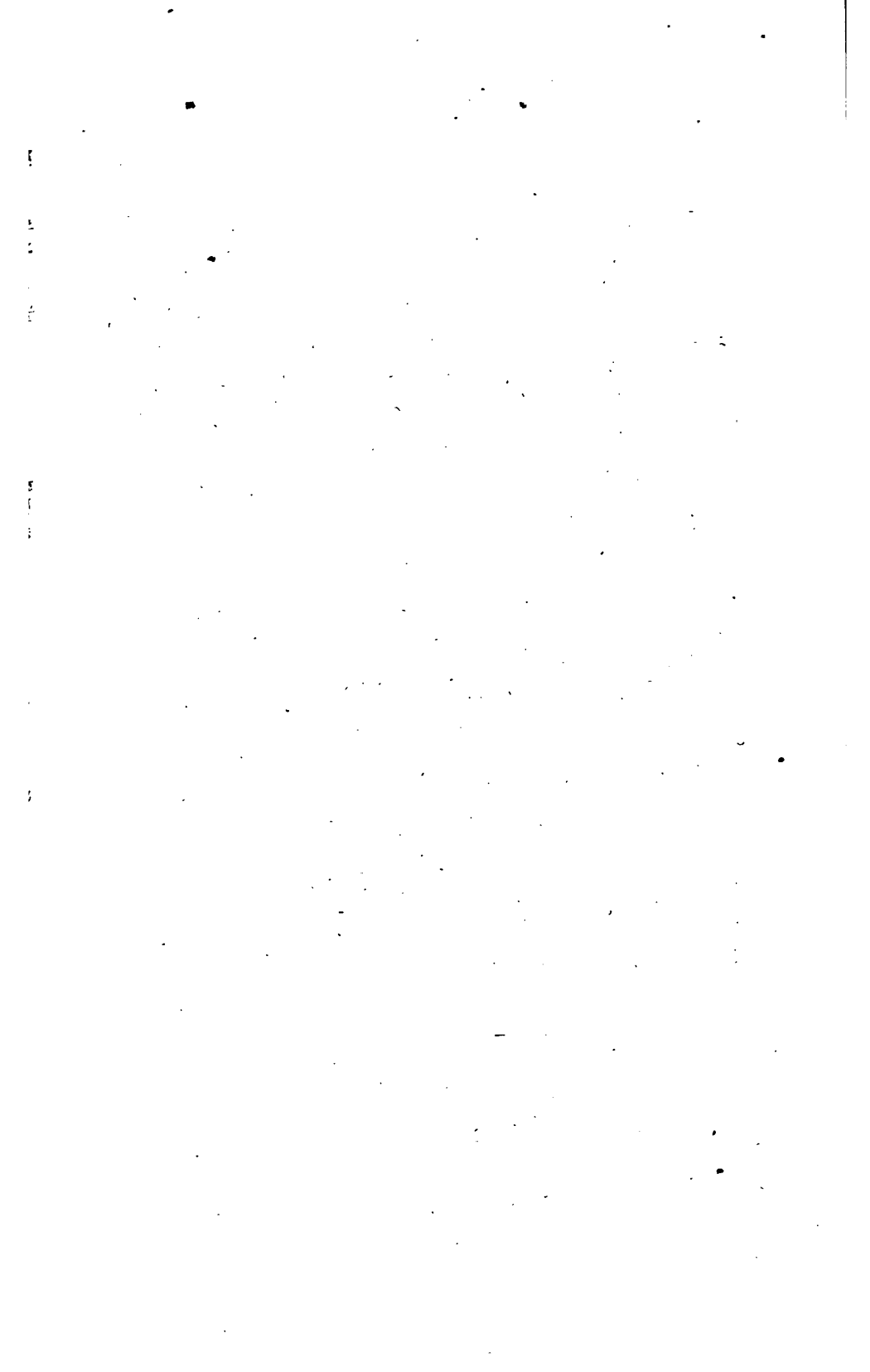
Appears, - - -	4
Motion by, to amend salary bill of Senate No. 23, - -	68
Motion by, to amend bill of Senate No. 41 (relief of treasurers), -	147
Motion by, to instruct committee as to bill of Senate No. 61, -	159
Motion by, to refer petition for Cross-cut canal opposite Williamsport, - - -	343
Motion by, to amend revenue bill, - - -	521

### BUELL, GEORGE P.

Appears and sworn, - - -	4
Address (from his sick room) to the President on bill No. 8, -	25

### BLAIR, JAMES.

For report from, as commissioner on Wabash and Erie canal west of Tippecanoe, see *Reports*.



# BILLS AND JOINT RESOLUTIONS OF SENATE.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
1	To extend the time for the treas'r of Harrison county to distrain property for non-payment of taxes, - - - - -	36	36, 39, 53, 133				
2	Providing for furnishing certain copies of Revised Code, - - - - -	37	37				
3	On the subject of improving the Ohio and Mississippi rivers, - - - - -	38	45, 56, 71	71	162	182, 332, 388	410
4	Reducing the fees and salaries of State officers, - - - - -	38	45, 145				
5	Relative to a State road in Elkhart county, - - - - -	40	40	40	181	195, 197	206
6	In relation to completing harbor at Michigan City, - - - - -	43					
7	Authorizing the courts of Tippecanoe to be holden in such place as specified, - - - - -	43	51, 71	51	109	110, 112, 113	113
8	To incorporate the University of Notre Dame du Lac, - - - - -	43		71	109	128, 130, 152	155
9	To incorporate the Brothers of St. Joseph, - - - - -	43	43, 127, 137	137	446	524, 535, 538, 573.	579
10	To incorporate the Laurence Paulanx, - - - - -	43	43, 94, 100	446	446	518	

	40	101	106, 107	206
11 To revive an act to incorporate the Point Commerce Manufacturing and Trading Com- pany, - - - - -	44	44		
12 To correct the plat of the town of Enoch- burgh, - - - - -	49	50	182, 332, 388	411
13 Explanatory of an act for the relief of J. J. Burton, and Joseph Luther, and N. Burch- field, - - - - -	50	51	369, 478, 483, 517, 566, 568,	
14 To provide for summoning grand and petit jurors in Decatur county, - - - - -	51	71	569, 570, 583, 492	600
15 To change the name of Geo. R. Selkrigg and others, - - - - -	51	71	427, 442, 453	442
16 To organize a new county out of the county of Dearborn, and to relocate the county seat thereof, - - - - -	51	71, 123, 156		
17 To authorize the appointment of commission- ers to take the acknowledgment of deeds, &c., executed out of the State, - - - - -	51	71, 334, 393		599
18 For the relief of purchasers of school lands, - - - - -	51	71, 175	519, 530, 572	
19 Extending the jurisdiction of justices of the peace, - - - - -	51	72, 123, 238	453, 532, 551	552
20 To repeal an act requiring supervisors to enter into bond and security, - - - - -	51	72		
21 To suspend the sale for taxes, all delinquent lands mortgaged to trust funds, - - - - -	55	72, 111	573, 586	579
22 On the subject of the State Library, - - - - -	56	72		
23 To reduce the salaries of Governor and other officers, - - - - -	56	57, 58 59, 66, 71	93	98
24 To locate a State road in Lawrence county, - - - - -	65	100, 111	492, 587	600



# BILLS AND JOINT RESOLUTIONS OF SENATE—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
25	In relation to auditor of Knox county, -	65	100	100	446	427,453	442
26	Relating to the election of seminary trustees in Daviess county, -	65	66	90			
27	To amend the 4th article of 16th chapter of Revised Statutes of 1843, so far as relates to Washington county, -	66	100, 225				
28	To amend an act in relation to reception of certain Treasury Notes for county revenue, -	66	100				
29	To amend an act allowing writ of ad quod damnum, -	72	100, 111				
30	For the relief of Mrs. Elizabeth C. Hoyt, -	72	100, 110	111	446	492	600
31	A joint resolution on the subject of the State Bank, -	73	73, 90				
32	To vacate the western addition of Palmyra, -	84	110, 137		513	495, 526, 533	552
33	For the relief of William P. Andrews, -	84	85	137	446	518, 530, 572	598
34	On the subject of organizing Oregon territory, -	87	87, 172	85	180	332, 388	411
35	For the relief of settlers of W. and E. Canal lands, -	87	111	185			

36	To dissolve the marriage contract between Peter S. Miller and Elizabeth his wife,	94	94, 97, 111, 177				
37	To repeal an act therein named,	97	97	446	426, 442, 453	442	
38	To transfer the duties of State Librarian to the Secretary of State,	108	137, 196				
39	Requesting the Governor to communicate with the Executive of New York as to a drawback on salt,	108	108, 111, 137	137	447	426, 453	442
40	To legalize the proceedings of the board of commissioners of Monroe county at August term,	108	137	[195 181	197		206
41	For the relief of the treasurers of Dearborn, Monroe, and Harrison counties,	111	111, 126, 146		587		
42	To amend the 7th section of the 11th chapter of Revised Statutes of 1843,	112	142	154	446	427, 442	442
43	To amend an act prescribing the duties of co. auditor,	113	137, 149, 161	176		Title amended, 176, 570, 573, 582, 583	
44	To authorize the board of commissioners of Lagrange county to sell certain real estate,	113	142, 150	150	446	427, 453	442
45	To provide for the improvement of the Rapids of Wabash,	121	[376 142, 217, 218, 219,				
46	To extend the provisions of the act to require the Banks to continue specie payments,	122	142				
47	To provide for the education of the deaf and dumb in this State,	122	150, 183, 200	200	543	544, 570, 574, 595	601
48	To constitute county commissioners of Grant county library trustees,	123	123, 165, 176	176			
49	In relation to an appropriation on National Road,	126	150	154	447	426, 453, 486	442

BILLS AND JOINT RESOLUTIONS OF SENATE—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
50	In relation to officers elected by the General Assembly, - - -	126	126, 150				
51	To provide for location of State road in Randolph county, - - -	134	150, 238	400	543	575, 576	579
52	To prohibit the sale of fermented and spirituous liquors in the town of Greensborough, - - -	134	151, 161	176	446	532, 551	552
53	To amend an act for the relief of John Plasters, school commissioner of Miami county, - - -	136	136	136	447	182, 454, 532, 551	552
54	Regulating the moneys collected as per centage on State tax, - - -	136	151			454	
55	Establishing an additional place of holding elections in Perry county, - - -	136	149				
56	For the relief of James Vawter, of Jefferson county, - - -	136	136, 153	149	447	454, 532, 551	552
57	To authorize the recorder of Lagrange to perfect the records, - - -	146	146, 148	175	446	454, 532, 551	552
58	To locate a State road in Sullivan county, - - -	146	146, 154	154	440	427, 442, 453	442
59	To repeal 3d section of an act requiring Banks to continue specie payments, - - -	148	146	154	447	454, 532, 551	552



# BILLS AND JOINT RESOLUTIONS OF SENATE — Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approval.
75	To enable the mayor and council of the city of N. Albany to appropriate certain labor for one year, -	172	202	202	543	574, 576	579
76	Creating additional place of holding elections in Florida township, Parke county, -	174	187	187	446	427, 453	442
77	To vacate a certain street in Washington, -	174	187	200	543	575	579
78	To vacate a state road in Sul'van and Green, -	174	187	200	543	575	579
79	To legalize the appointment of school commissioner in Steuben, -	174	187	201	513	495, 525, 533	552
80	To abolish the office of auditor in Union county, -	175	187, 232	399			
81	To define more particularly the duties of county treasurers, -	175	187				
82	For the improvement of the town of Attica, -	175	188	201	543	575	579
83	For the relief of Delaware and Grant c'ties, -	175	188, 193	223	513	494, 525, 533	552
84	Amendatory of the act for restoring the records of Miami county, -	175	188, 229				
85	Distributing the laws to the colleges therein named, -	175	189				

86	Concerning the titles of the holders of land in the seminary township in Gibson c'ty, -	175	175, 133				
87	To suspend, for a time, an act therein nan'd, -	182					
88	To provide for the appointment of county auditor and school commis'er in Perry, -	183	202	368	514	494, 525, 533	552
89	To incorporate the trustees of Madison University, -	185	239	239	335	335, 351, 361	346
90	For the relief of the borrowers of the surplus revenue, -	185	203, 374				
91	To provide for the location of a state road in Noble and Lagrange counties, -	185	203	375	513	525, 533	552
92	Reducing the salary of the keeper of the state house and librarian, -	194					
93	To appropriate the bank tax school fund to the inhabitants of the several counties in this state, -	194	401	401			
94	Authorizing supervisors of roads to make return at June term of board of com'ers, -	195	401	401	522	571, 594	600
95	To amend an act regulating the practice in chancery and suits at law, -	199	199, 226			495	
96	To authorize the issuing of a patent for a lot of canal land, -	199	401	401	515	495, 518, 572	599
97	Providing for the repair of roads in certain cases, -	199	451	452			
98	To reduce the fees of the several clerks of the probate courts in this State, -	199	401				
99	To amend an act to provide for opening and repairing roads and highways in the counties of Gibson and Pike, -	199	402	402	515	519, 529, 573	599

# BILLS AND JOINT RESOLUTIONS OF SENATE -- Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approval.
100	To legalize the election of probate judge in Boone, - - -	199	402	402	515	495, 519, 572	599
101	To amend 15th chapter of Revised Statutes, and repeal 83d and 98th sections, - - -	206	402	402	515	519, 531, 572	599
102	To amend 34th section of chapter 17, of Revised Statutes, - - -	217	403	432			
103	Abolishing the fee for issuing patents of W. and E. canal lands, - - -	218	403	403	514	494, 525, 533	552
104	To repeal an act therein named, - - -	221	402	403	515	495, 519, 572	598
105	Giving authority to take acknowledgments of deeds, - - -	221	221	432	543	571, 574, 595	601
106	To repeal a certain act therein named, - - -	221	404			441, 518, 525, 531,	598
107	To authorize the circuit court of Gibson to grant a divorce in certain cases therein named, - - -	221				[572	
108	To amend an act providing for summoning and empannelling jurors in Delaware, Grant, Scott, Franklin, Floyd, & Union, -	221	402	402	515	495, 519, 573	598
		221	402	402	515	495, 518, 572	599

109	To incorporate the first Regular Baptist Church in Lafayette, -	221	413	413	514,519,531,572	599
110	In relation to the boundaries of Knox, -	227	404,419			
111	To relocate the county seat of Noble county, -	227	334,350	350	491,524,524,587	
112	To incorporate the Lafayette and White river turnpike company, -	228	228,414	416	570,574,595	
113	Suspending the operations of a bill therein named, -	228	404			
114	To legalize the marriage of Oliver W. Sanger and his wife, -	229	402	402	519,529,573	595
115	For the relief of Abraham Perkins of Daviess county, -	229	402	402	519,529,573	598
116	For the relief of Giles W. Thomas, -	230				
117	For the relief of certain persons therein named, -	234	235,405			
118	To legalize the proceedings of board for Gibson county, -	240	402	402	515,520,573	599
119	To repeal an act incorporating the trustees of Hanover academy, -	244	244,336	337	519,525,548	601
120	Incorporating the town of South Bend, -	244	350	350	530,573	599
121	In relation to the boundary of Rush, -	244	404			
122	To incorporate the Muncietown and Grant county turnpike company, -	244	417		570,574,594	600
123	For the relief of Ann Frankbower, -	231	402	402	575	579
124	Supplemental to the 12th article 40th chapter of Revised Code, -	332	405	432	575	579
125	To legalize the assignment of the certificate of the school commissioner of Marshall county to Matthew Hall, -	332	402	402	519,531,572	599



# BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
126	To vacate the town of Northampton in Harri- son, - - - - -	337	402	402	515	495,519,573	598
127	To vacate a certain alley in city of Lafayette,	337	402	402	514	518,531,572	598
128	To extend the provisions of an act therein named to Delaware county, - - - - -	338	402	402		519,529,573	598
129	To change the mode of selecting petit jurors in the county of Lawrence, - - - - -	339	402	402	515	519,529,573	598
130	To amend an act to provide for continuing the construction of the public works by compa- nies, - - - - -	339	339	433			
131	To incorporate the Lafayette Blues in Tippe- canoe, - - - - -	341	403	403	515	492,587	600
132	Explanatory of an act for the relief of certain persons, - - - - -	346	347,390				
133	In relation to the completion of the Wabash and Ohio canal, - - - - -	347	403	403	515	133,531,572,533	599
134	To incorporate the Lawrenceburgh and India- napolis turnpike company, - - - - -	347					
135	Prescribing the duties and defining the author-	347	376,413,414				

ity of the board of commissioners of Monroe county, . . . . .	347	347	347	361	567	552
136 For the relief of George A. Spelker, . . . . .	347	347	347	513	495,525,533	552
137 To revive an act to establish a board of trustees of the county library of Marion county, . . . . .	347	347	347	513	494,525,533	552
138 The better to provide for the security of the seminary fund, . . . . .	348	405				
139 To allow the assessor of the county of Shelby to qualify, . . . . .	348	348		513	494,525,533	552
140 Supplemental to an act to incorporate the trustees of Madison University passed at the present session, . . . . .	348		513			601
141 Defining the duty of State Agent, . . . . .	348	405	434	543	570,573,594	600
142 To legalize the proceedings of the commissioner of the Indianapolis and Lafayette State road, . . . . .	348	348	348	543	575,588	579
143 To vacate a part of a state road in Noble and Lagrange counties, . . . . .	348	348	348	543	574,575	579
144 To repeal certain acts therein named, . . . . .	348	405				
145 To amend the 16th chapter of the Revised law relating to road tax, . . . . .	349	405	434			
146 To provide for a special session of the circuit court of Jefferson, . . . . .	350	403	403	515	495,519,573	598
147 Fixing the time of holding the courts in the 9th judicial circuit, . . . . .	354	354	354	515	518,531,572	598
148 Extending the benefit of the valuation laws to judgment debtors to the surplus revenue and giving additional time, . . . . .	355	355,393		514	495,518,572	599

# BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

632

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
149	To revive and amend an act for the relief of settlers of the Wabash and Erie canal lands,	355	367,395	398	543	575,588	579
150	To extend the time of holding the circuit court in the county of Ripley and to change the time of holding the same in Jennings, Jefferson, Switzerland and Dearborn, . . .	367	399	399	514	519,531,572	599
151	Providing for the location of a state road in counties of Steuben and DeKalb, . . .	367	368	368	543	575,588	579
152	For the relief of Boatmen on the Wabash and Erie canal and the establishment of a medical infirmary, . . .	370	370,424,431	[432 424	560	575,576	579
153	To amend the several acts authorizing the seizure of boats and other vessels for debt, . . .	370	389				
154	To change a state road in Daviess county, . . .	375	375	375	513	494,525,533	552
155	To restrict the session of the grand jury to three days at each term of the Hancock circuit court, . . .	393	394	394	543	500,571,594	600
156	For the relief of the citizens of those counties . . .						

157	through which the Wabash and Erie canal passes, . . .	395	434	408	513	495,525,533	522
158	To transfer the books and papers of Michigan road office to office of State Auditor, . . .	408	408	411	515	518,531,572	598
159	To legalize the recording of the delinquent list of lands and town lots in Gibson, . . .	411	411	411	515		
160	Relative to water power at or near Indianapolis, . . .	411	559				
161	To amend the 89th section of chapter 6 article 7 of the Revised Statutes of 1843, . . .	412	412	412	560		
162	To relocate a state road in Bartholomew, . . .	418	418	418	543	575	579
163	For the relief of borrowers of school funds in township No. 8, in Monroe county, . . .	418	418	418	514	518,531,572	599
164	Amendatory to an act to reduce the tolls on the New Albany and Vincennes road, . . .	419	419	419			
165	To authorize Samuel Dyer to build a mill dam over White river, . . .	421	421,503	421	514	495,520,573, } 581,582 } 599 }	vet'd 580 599
166	For the relief of Patrick Justice of Delaware, relating to road labor in Spartansville, Randolph county, . . .	421	421	421	514	495,519,572	
167	To authorize Stephen Steinberger to erect a mill dam across the Mississinewa, . . .	422	422	422	514	494,525,533	552
168	For the relief of Alexander McClelland, . . .	422	559	422	514	495,519,572	598
169	To incorporate the College corner and Liberty turnpike company, . . .	422	422	422	514	518,532,572	598
170	To provide for a lateral canal and locks at Williamsport, . . .	422	422	422	514		
171	To change the name of Aaron Dyer Bull to that of Aaron Dyer, . . .	423	559	423	514		

# BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
172	To provide for the election of a justice of the peace in the town of Ferdinand, . . .	424	424	559	514	518,533,572	598
173	Suspending a certain act therein named, . . .	427	427	424	516	525,531,534	600
174	To enable forwarding and commission merchants to enforce liens, . . .	427	427	427	516	542,550,560	601
175	Repealing all laws now in force providing for a more uniform mode of doing township business in Miami county, . . .	427	427,475	475	563	561,570,574,594	600
176	Making the certificates issued by the commissioner on the New Albany and Vincennes road receivable for taxes, . . .	427				571,594	
177	To amend an act granting to the city of Madison and Lawrenceburgh a city charter, . . .	429	429,516	516	543	571,574,595	601
178	For the relief of the purchasers of school lands in Delaware and Randolph counties, . . .	429	429	429		441,519,530,573	599
179	Relative to the establishment of Ferries, . . .	420	429	429		441,518,531,572	598
180	Incorporating the Rushville and Shelbyville railroad, . . .	430	430			571,574,578,594	600
181	To repeal certain acts therein named in rela-						

182	tion to the seminary and library in the county of Crawford, . . . . .	430	430	441,496,519,573	599
	To appoint a commissioner to settle with the securities of Samuel Monroe, late school commissioner of Hamilton county, . . . .	430	430,505	575,588	579
183	For the relief of John Houghton, . . . .	430	430	441,519,530,573	598
184	In relation to the city of Indianapolis, . .	432	432	571	
185	In relation to the purchase of water rotted hemp for the U. S. Navy, . . . . .	434	434	441,531,544,594	600
186	For the relief of the securities of Wm. Johnson, late collector of Sullivan county, .	440	440	518,572	598
187	For the relief of the sureties of Wm. Johnson, late collector of Sullivan, . . . .	490	490	571,574,595	601
188	To amend the 110th section of the 13th chapter Revised Laws, . . . . .	447	447		
189	To authorize the board doing county business in Perry to make settlement with John Elder surplus revenue agent, . . . . .	448	448	571,574,594	600
190	In relation to boundary line between Clark and Floyd, . . . . .	441	441	492,587	606
191	Regulating the time of holding courts in Tippecanoe, . . . . .	454	454	571,595	601
192	To change the mode of assessment in Union, No title, . . . . .	454	561		
193	To establish a state road from Crown Point to Michigan city, . . . . .	478	478	571,594	600
195	Providing for the payment of certain claims of Samuel Myers and others, . . . . .	478	478	571	601

# **BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.**

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
196	To incorporate the St. Mary's seminary in Indianapolis, . . . . .	451	451	451	556	571,574,595	601
197	In relation to repairs on the State House, . . . . .	502	502	502	561	575,588	
198	On the subject of the State House, . . . . .	502	502	502			
199	For the limitation of bonds and promissory notes, . . . . .	502	502	502			579
200	To certify a certain cause therein named, . . . . .	502	502	502	560	571,574,595	601
201	To repeal an act therein named so far as relates to Delaware, . . . . .	503	503	503	522	570,574,594	600
202	To authorize the general superintendent of the Wabash and Erie canal to correct an error in certificate No. 3836, . . . . .	503	503	503	560	575	579
203	For the relief of William N. Duzan, . . . . .	517	560	560		571,574,594	600
204	To provide means to defray the expenses of the State, . . . . .	555	555	555			
205	Supplemental to an act incorporating the Warren county canal company, . . . . .	561	561,595	561			
206	Supplemental to an act to repeal certain acts relative to French Lick, . . . . .	561	561	561	563	571,574,595	600

# BILLS AND JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES.

637

Number.	TITLES.	Reported from House	Proceedings before passage.	Passed Senate.	Other proceedings.
1	On the subject of the Cumberland road,	644	479	479	489
2	In relation to the fine imposed on Gen'l Jackson, &c.,	-	-	-	-
7	To abolish the office of auditor in Warrick,	109	137, 140, 152, 186}	491, 532	
	To authorize Sarah Ann Lockwood, a minor, to unite with her husband in conveying real estate,	180	189, 234, 338	339	492, 514, 525, 533
8	To organize a new county out of Dearborn county,	109	141, 149	149	196
9	To repeal an act to authorize the removal of obstructions in Mud creek and Mill fork of Eel River, in Morgan,	222	222, 240, 244	246	337
10	For the relief of Persis Hubbard,	109	141, 149	149	196
12	For the relief of Michael Fitzgibbon,	109	141, 149, 221	351, 352, 373	
14	On the subject of postage,	180	190	201	351, 353, 373
15	On the subject of Oregon Territory,	181	190	201	491, 533
16	In relation to probate courts in Dubois county,	445	481, 538	538	547
17	Authorizing a special session of the Switzerland circuit court,	161	178	186	241
		48	48	48	64



# BILLS AND JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
18	To protect wild fruits growing on public lands in Lake and Porter, - - -	197	239	240	361, 491, 532, 551
19	To vacate a state road therein named, - - -	443	479	479	594
2	To legalize the proceedings of board of commissioners of Allen, - - -	109	141, 150	150	196, 565
24	To amend an act to incorporate the Lawrenceburgh and Napoleon turnpike company, - - -	435	443, 473	474	563, 589
27	For the relief of Curtis Mallory, treasurer of Hamilton, - - -	361	490	490	591
29	Postponing the time for the payment of taxes, - - -	185	362, 440	440	562, 592
30	Incorporating the First Presbyterian church of De-catur, - - -	162	178, 196	223	351, 353, 373
31	To locate a state road in Davies, - - -	445		489	
34	Regulating boundaries of Warrick and Gibson counties, - - -	162	162, 329, 369	370	491, 525, 533
37	To amend an act providing for the incorporation of towns, - - -	180	190, 220	400	516, 534
41	To provide for an additional place of holding elections in Vermillion county, - - -	103	178	180	241

44	To prevent the sale of lands mortgaged to school funds, . . . . .	435	435, 443		
45	To reduce the salaries of Governor and other State officers, . . . . .	59	59		
46	For the benefit of persons who are likely to suffer by the destruction of records of Miami county, . .	70	70, 119, 129, 136		
50	To vacate the town of Lagrange, . . . . .	181			137, 155, 173
52	Concerning marks and brands, . . . . .	162	178, 192, 226	202	491, 532, 551
54	To declare Mississinewa a public high way, . . . .	161	178, 186, 222	399	491, 524, 533
55	An act to change the time of holding probate courts in Martin county, . . . . .	162	178	400	489, 515
56	Concerning moneys arising from sales of estrays and property going adrift, into common school fund, . . . . .	443	473	186	242
57	For the relief of John Sankey of Vigo, . . . . .	444	477, 559, 561	473	587
58	Reviving an act for the relief of settlers on the Wabash and Erie canal lands, . . . . .	526	526		594, 595, 597, 597
59	On the subject of reducing the pay of officers of general government, . . . . .	445	483	484	593
60	In relation to repairs of bridge over White river on National Road, . . . . .	162		176	222, 241
61	In relation to a light-house in City West, . . . .	162	179	185	241
64	To restrict the assessment of poll tax in Spencer, .	162	179	186	222, 241
72	Regulating elections in Adams and Jay, . . . . .	162	178	186	242
73	Amendatory of an act providing for the election of school commissioners in town, No. 14, range 7 west, Park county, . . . . .	180	181, 183	200	351, 352, 373
75	To extend the provisions of certain laws in Wabash county, . . . . .	181	192, 193, 303		

## BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

Number.	TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
76	To relocate a state road in Sullivan, -	442	479	479	489
79	Authorizing the school commissioner in Vanderburgh to refund certain money, -	445	479	479	489
82	Postponing the payment of the taxes of 1843, -	185	203, 363, 364, 440 568		
84	To repeal a part of an act on the subject of the New Albany and Vincennes road, -	535	557		
85	To authorize the school commissioner of Pike county to loan the common school fund on personal se- curity, -	144	157, 183	199	351, 352, 373
86	Extending the provisions of certain acts to Kosciusko,	181	192	202	491, 524, 532
87	To prevent speculation in Treasury Notes, -	180	189, 192, 216, 376	202	351, 353, 373
88	To vacate a certain alley in Delphi, -	181	191	202	351, 353, 373
89	Regulating the salary of the county auditor of Foun- tain, -	113	113	113	127
90	Defining the duties of county auditors and treasurers,	361	540		
91	In relation to an armory on the western waters, -	179	182, 226	399	515, 594
93	In relation to a canal at the falls of the Ohio river,	180	182, 186	186	241
94	Relating to proof of title to state lands, -	180	180	186	351, 353, 373.

96	To exempt certain lands in the counties of Randolph and Delaware from taxation, -	443	474	474	562, 590
98	For the relief of George Belshaw, -	181	191	202	351, 353, 373
100	To extend an act to compel speculators to pay a road tax equal to that paid by actual settlers, -	113	141, 150, 201	150	180, 196
22 101	To provide for election of State Agent, Printer, and Commissioner of Wabash and Erie canal, -	143	154, 167	169	101, 196, 210
102	For the relief of Peter Everhart, -	361	448, 476	476	563, 591
103.	For the relief of Samuel Rockafellow, -	442		485	485, 562, 591
104	Concerning licensing of auctioneers in Fort Wayne, To amend an act relating to the seminary fund in Cass, -	180	191	202	351, 353, 373
22 105		443	477	477	587
106	For the encouragement of domestic manufactures, -	181	182, 219	400	491, 525, 533
109	To change the name of Henry Bragg to Rittenour, -	181	181, 185	197	223, 491, 525, 529, 533
110	To change the name of David Barker to Dobbins, -	181	191	202	351, 353, 373
111	To repeal an act therein named, -	444	477, 559		
112	To provide for a more uniform mode of doing township business in Hamilton, -	443	477	477	587
113	To authorize commissioners in certain counties to equalize the appraisement of real estate in said counties, -	361	403	403	491, 524, 533
116	On the subject of scire facias, -	180	190		
117	Correcting a discrepancy in the estray law, -	[187	220]	190	
118	For the relief of the owners of certain lands in Cass, -	[180	189]	400	491, 524, 533
119	For the relief of Stephen Kitson, -	181	191, 350		
120	To provide for the relocation of the county seat of Martin, -	[181	219]	974	492, 529, 533
122	To authorize Charles Nelson to build a mill dam across the Wabash, -	180	190	202	351, 352, 373

# BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

Number.	TITLES.	Reported from House.	Proceedings before passage..	Passed Senate.	Other proceedings.
123	Declaring a road in Steuben a state road, -	181	191	202	351, 353, 373
124	To apply the saline fund to common school purposes,	444	477	477	587
125	To vacate an alley in the town of Bloomington,	180	190	202	351, 353, 373
126	Regulating the tolls on the Wabash and Erie canal,	[435	443] 517		
128	To revive and amend an act to establish a board of trustees [of the county library] of the county of Marion, -	443	485		
129	To reduce the compensation of the auditor of Ripley, -	144	144, 154	154	196
131	To amend fourth article, sixteenth chapter of Revised Statutes, as to Washington, -	181	191	191	222, 241
132	To amend an act to incorporate the Logansport and Wabash bridge company, -	445	479	479	593
133	Changing the application of water power at the St. Mary's aqueduct on the Wabash and Erie canal,	377	406		
135	To suspend the issue of five dollar notes in lieu of fifties, -			406	491, 534
138	Relative to the surplus revenue in Union county, -	444	479	479	490
139	To amend an act to provide for the collection of the debt due from the Lawrenceburgh Railroad Co.,	180	490.		
		444	477.	477	587

140	To legalize the acts of the school commissioner in Martin, - - -	443	474	474	587
143	To legalize the sale of certain real estate of the minor heirs of James Whitaker, in the county of Noble, - - -	151	157	176	241
144	To reduce the tolls on the New Albany and Vincennes road, - - -	487	487	488	489
145	Relative to the practice in the circuit court, - - -	445	477	477	587
146	Appointing the board of county commissioners of Carroll seminary trustees, - - -	444	477	477	587
147	To reduce the salary of the clerk of the State Prison, - - -	444	487, 492	493	547
148	To amend an act to provide for the appointment of township assessors in certain counties--Owen, &c., - - -	435	435	435	588
149	In relation to a grant of land for north end of Central canal, - - -	181	182]	186	242
150	On the subject of reducing the minimum price of lands that have been in market twenty years, - - -	535	557		
151	Requesting Congress to donate the public lands for schools, - - -	445	484, 564		
152	Extending the provisions of a certain act to Perry, - - -	444	477	477	587
153	To amend an act to provide for keeping the State House, - - -	529	554		
154	For the better regulation of the board for county of Warrick, - - -	445	477	477	587
156	Extending certain laws therein named to Randolph, - - -	443	474	474	587
160	To limit the trustees of the town of Evansville, - - -	445	477	477	587
161	To legalize the records of roads and highways in Clay, - - -	444	477	477	490

# BILLS JOINT RESOLUTIONS OF HOUSE OF REPRESENTATIVES — Continued.

644

Adopted.	TITLES.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
162	For the relief of the commissioners of the school fund in town 8, in Monroe county, - - -	514			
169	To regulate the sale of real estate by executors, &c. [180		189, 217]		
171	Increasing the road tax in Steuben and De Kalb counties, - - -	535	558, 559		
172	Granting certain lands to the board of commissioners of Lake county for a burying ground, -	442	479	479	490
173	Relief of Melchoir Sooder and James Hays, of Dearborn county, - - -	442	486, 549	549	592
174	To amend the several acts now in force regulating the duties of school commissioner, county auditor, and county treasurer of Marion county, -	[443	578]	484, 528	
175	Appointing commissioners to locate a State road from Portland, in Jay county, to Hartford, in Blackford county, - - -	442	479	479	547
176	Granting lands for common school purposes, - -	445	483		
179	To provide for the relinquishing saline lands in Orange county, - - -	445	480, 502, 554		

180	Abolishing the office of county auditor in certain counties, - - -	444	480, 482	482	522, 523, 554, 588
181	Regulating the election of school trustees in Allen, De Kalb, &c., - - -	444	486, 487		
183	Providing for a school tax in Adams and Jay counties, - - -	445	480		
184	Regulating the selecting of grand jurors in Randolph county, - - -	442	479	479	547
185	Authorizing a State road in Allen county, - - -	445	478	478	547
186	To change the name of Rachel Will, - - -	443	479	479	489
187	Giving further time to the assessor of Montgomery county, - - -	452	528	528	562, 591
188	Concerning grand and petit jurors in Crawford county, - - -	445	480		
191	To amend an act granting to the citizens of Madison and Lawrenceburgh a city charter, - - -	443	479	479	489
192	To amend an act to incorporate the Vevay and Napoleon turnpike company, and other turnpike companies, - - -	445	480	481	562, 592
193	To improve the breed of sheep, - - -	477			
194	To establish a certain State road therein named, - - -	[185	203]		491, 532, 551
195	To improve the breed of sheep, - - -	444	477	477	587
197	To give effect to an act therein named, - - -	443	484	484	489
198	To legalize the proceedings of the commissioners of Greene county, - - -	190	190	190	242
200	To extend the time of holding probate court in Dearborn county, - - -	443	479	479	489
201	To incorporate the Porter county Manufacturing Company, - - -	368	368, 373	373	491, 524, 532



# BILLS AND JOINT RESOLUTIONS OF HOUSE OF REPRESENTATIVES—Continued.

Adopted.	TITLES.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
202	In relation to tavern license in Carroll county, -	445	480	480	565, 566, 592
203	To provide means to defray the current expenses of the State for the year 1844, -	555			
204	To amend an act authorizing the issue of \$5 treasury notes for the redemption of the \$50's, -	558	558, 567		592
205	For the relief of John Law, Lucius H. Scott, and others, -	444	473		587
206	Amending the criminal law, -	443	479	479	489
207	Relative to the overseers of the poor, -	443	474	475	562, 591
208	To legalize the acts of school commissioner of Benton county, -	445	478	478	489
211	To provide for keeping in repair the turnpike road from Lafayette to Crawfordville, -	443	479	479	547
213	Relative to a State road in Steuben county, -	443	478	478	547
214	For the relief of the heirs of Geo. Bishop, -	445	477	477	587
215	Relative to a State road in Steuben county, -	477	477	477	547
216	For the relief of Thomas O. Stewart, -	443	477	477	489
217	To change the mode of selecting petit jurors in Blackford county, -	444	479	470	547

218	In relation to the county auditor of Monroe county,	434	434, 457		
219	In relation to school district No. 5, town 37, range 3, in Laporte county, -	442	479	479	591
220	Making the road tax on land in the counties of Fulton, Marshall, White, Pulaski, Jackson, Benton, and Stark, uniform, -	435	549	549	592
221	Supplemental to an act to provide for the reduction of the individual stock in the State Bank, -	445	480, 483, 493		
224	For the relief of justices of the peace, -	377	407	407	491, 524, 532
225	To change the mode of electing seminary trustees in Lawrence county, -	444	478	478	593
226	To amend an act to establish and regulate ferries, -	444	477	477	490
228	To incorporate the Terre Haute draw bridge company, -	444	487		591
230	To incorporate the Michigan road company, -	513	437		
231	To improve the navigation of Sugar Creek, -	443	477	477	489
236	To change the name of Black Hawk to Mount Auburn, -	443	479	479	547
237	To incorporate Warren county canal company, -	527	527	527	589
238	To raise a revenue for State purposes, and to redeem treasury notes, -	444	478, 551	486	589
239	To locate a State road in Posey county, -	444	486		
240	To repeal a road law in Posey county, -	444	485		
241	Declaring Buck Creek a navigable highway, -	444	487		
242	For the relief of Samuel W. Spratt against a prosecution in De Kalb county, -	444	477	477	489
243	In relation to a road tax in the county of Elkhart, -	444	479	479	547
244	Declaratory of the law in a special case in Fayette county, -	444	479	479	547

## BILLS AND JOINT RESOLUTIONS OF HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
246	To amend the road law, - - - - -				
247	For the relief of William Townsend in Clay county, - - - - -	444	479	479	490
248	To amend the road law, - - - - -	537	537		
249	Extending the provisions of an act to Randolph county, - - - - -	535	549	549	592
250	Fixing the time of holding courts in the 10th circuit, - - - - -				
253	To vacate the town of West Point, in Lake county, - - - - -	534	556		
254	To provide for the transfer of the saline lands and funds in Orange county, - - - - -	444	479	479	547
255	To authorize the auditor of Hendricks county to become the purchaser of real estate in certain cases therein named, - - - - -	534	549	549	593
257	To further reduce the expenses of Owen and Brown counties, - - - - -	526	526	526	591
259	To provide for the erection of a bridge across French Lick creek, in the county of Orange, - - - - -	361	420	420	592
260	To amend the practice of law in Shelby county, - - - - -	368	406, 452	452	596, 598, 596
262	In relation to awards, - - - - -	534	556	534	
		526	526	526	590

265	Relative to the road law in Posey county,	-	444	487	538	593
266	To reinstate the recorder of Noble county,	-	513	538		
267	Altering and fixing the time of holding courts in the 12th judicial circuit,	-	535	557		594
268	To amend the road law,	-	535	557		
269	To provide for a more effectual mode of expending the road tax in the several counties therein named,	-	443	484		562
270	To change the time of holding probate court in Vanderburgh county,	-	511	549	549	592
271	To require superintendents of public works a list of tolls to the Auditor of State,	-	511	549	549	592
272	Vesting the duty of school commissioner in the co. treasurer in certain counties,	-	368	406	406	516, 592
273	To repeal a part of the militia law,	-	512	549	549	593
274	To transfer the books, papers, &c., of the office of commissioner of Michigan road lands, and agent of the town of Indianapolis,	-	534	560	560	593
275	Amendatory of a joint resolution on the subject of counting and cancelling State bonds,	-	535	542	542	593
276	Declaring a misprint in the Revised Code of 1843,	-	368	403	403	491, 524, 533
277	For the relief of David D. Weddle, of Brown co.,	-	445	478	478	547
278	Relative to a State road in Monroe county,	-	443	484		565, 592
280	Regulating the assessment of the canal lands,	-	511	549	549	592
282	Regulating the road law in Warrick county,	-	368	403	403	491, 524, 532
283	To establish additional place of holding elections in Jackson township, Washington county,	-	512			
284	To locate a State road on the line between the counties of Lagrange, Steuben, Noble, and De Kalb,	-	368	403	403	491, 522, 533

BILLS AND JOINT RESOLUTIONS OF HOUSE OF REPRESENTATIVES — *Continued.*

Number.	TITLES.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
286	Changing the sessions of the county boards of	512	539	539	590
288	Authorizing the election of certain officers in Indianapolis,	512	549	549	589
289	In relation to road tax in the town of Laporte,	368	368	400	491, 524, 532
290	Incorporating the Delphi Water Works Company,	368	406	406	489, 515
291	To incorporate the Union Evangelical, or Lutheran and German Reformed Church, in Indianapolis,	512	549	549	590
292	To vacate a part of a State road in Putnam county,	445	478	478	547
293	Regulating the fees of auditor in Randolph county,	444	487	487	562, 590
295	For the relief of the heirs of the legal representatives of James Shoemaker, deceased,	512		544	592
296	To provide for election of supervisors of roads by districts,	445	478	478	591
297	Respecting the State Prison,	377	407	408	491, 551
298	To repeal a portion of the charter of the city of Richmond,	535	559		590
299	Changing and re-locating certain State roads in Delaware county,	512	539	539	590

301	Supplemental to an act relative to water power at Pittsburgh,	512	538	533	589
303	Relative to the assignment of canal land certificates,	512		586	Title changed.
304	For the relief of John Smith, of Carroll county,	535	557, 584, 585	549	589
306	Vacating an alley in the city of New York,	512	549		
308	Authorizing the county commissioners of Owen to settle with J. E. Moore,	512	539	539	
309	To legalize the proceedings of the probate court of Miami county,	511	549	549	589
310	To change a part of a State road in Owen and Clay counties,	511	549	549	590
311	To revive an act to incorporate the Lagro and Manchester Turnpike Company,	529	549	549	592
312	To legalize the proceedings of the trustees of Wolf Creek Baptist Church,	443	479	479	547
313	For the benefit of the school commissioner of Cass county,	512	542, 547		
315	To locate a State road from Gosport to Columbus,	512	539	539	591
316	For the relief of Samuel Campbell, an old soldier,	534	556	556	562, 590, 593
317	In relation to international literary exchanges,	512	539	539	591
318	On the subject of French Lick, in Orange county,	445	481, 481	481	565, 593
319	Providing for the loaning the school fund in Vigo county,	435	435	435	489
320	To amend — article of 42d chapter of Revised Code of 1843,	512	549	549	589
321	Relative to tax titles,	517			
322	In relation to sales of lands mortgaged for loans of college funds and sinking funds,	512	550		
323	Concerning the law of this State relative to real estate,	512	553		

## BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

Number.	TITLES.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
325	Providing for the compensation of the Revisors, . . .	481	481	562	562
327	For the relief of Henry Ingle, . . .	512	550, 562	562	592
328	To authorize the township trustees of town 25, range 2 west, to lease the school lands in said township, in Carroll, . . .	526	526	526	590
329	For removing obstructions in Back creek in Henry, . . .	527	527	527	
330	To locate a state road from Pleasant Hill to Fulton, . . .	534	549	549	590
332	To locate a state road in Allen, . . .	452	528	528	593
333	The better to improve the leading roads in Allen, De Kalb, Noble, Huntington, and Wells, . . .	452	528	528	590
334	To organize the counties of Tipton and Richardville, . . .	487		544	562, 593
335	Relative to certain public ground in the town of Wash- bash, and the improvement of water power at the lock at said town, . . .	526	526	526	593
336	To elect an additional constable in Ladoga, Montgo- mery county, . . .	512	549	549	590
337	To authorize the agent of surplus revenue to sell cer- tain real estate in Marion county, . . .	511	538	538	589, 591
338	To incorporate the Richmond turnpike company, . . .	528	527	528	589

339	For the relief of John Talbott, deceased, . . .	511	550, 553	553	592
340	To vacate a part of the town of Independence, . .	527	527	527	590
341	To detach certain territory from Miami, and attach it to Fulton, . . .	526	537	537	590
342	To reduce the prices paid for ferriages in Lawrence, . .	527	527	527	591
343	For the relief of Samuel Howard, deceased, . . .	526	526	526	591
344	To repeal a portion of an act relative to suits against the Miami Indians, . . .	527	527	527	536
345	To amend an act for the protection of the school fund, and for other purposes, . . .	527	527	527	592
348	To provide for the election of a school commissioner in Russell township, Putnam county, . . .	526	526	526	589, 591
349	Supplementary and amendatory to the 96th and 97th sections of the common school law for weak districts, . . .	512	550		
351	Relating to the surplus revenue fund in Blackford and Jay, . . .	526	52-	526	591
352	To vacate a part of a state road in Tiptocanoe, . .	512			589
354	To reduce the expenses of Carroll, . . .	453			
356	To incorporate the Union Mill Company in Laporte, . .	512	548	548	592
357	For the relief of purchasers of school lands in Monroe, . . .	526	526	526	590
358	To exclude certain real estate from the incorporation of Michigan City, and to vacate an addition to same, . . .	517	517	517	591
360	To amend a certain act therein named, . . .	512	548	548	590
361	To provide for summoning jurors in Lagrange circuit and probate courts, . . .	526	526	526	590
362	Making general appropriations for 1844, . . .	535	560	560	590



BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

Number.	TITLES.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
363	In relation to the surplus revenue fund, . . .	526	528		
364	To incorporate the Protestant Episcopal Church to raise funds for the support of a Bishop, and to aid itinerant and superannuated ministers, . . .	534	549	549	590
366	To incorporate the Frankfort Railroad Company, . .	512	538	538	589
367	For the relief of Jason Ham, . . .	513	537	537	589
368	To locate certain roads therein named, and for other purposes, . . .	527	527	530	590
370	For the relief of Benjamin H. Scott, . . .	513	537	537	591
371	Changing a certain state road therein named, . .	535	557	557	590
372	To change the name of Boxley town in Hamilton county, . . .	513	548	548	590
373	Creating a change in a state road therein named, .	513	548	548	589
374	Authorizing a special term of the Vigo circuit court,	513	537	537	589
375	Declaring a certain county road a state road in Clay,	513	537	537	593
376	To legalize the location of a state road in Wabash and Kosciusko, . . .	535	549	549	590
377	For the relief of John Houghton of Marshall, . .	512	542	542	
378	To vacate the town of Savannah in Rush and Shelby.	512	539	539	593

379	For the relief of William Willard,	512	548	548	593
380	Relative to the liquidation of the State debts of Indiana,	527	536		
381	Defining the duties of the justices of the peace in Owen,	513	537, 547	544	589
382	Changing a county road to a state road,	512	560		
383	To repeal an act making it the duty of the county auditor to publish delinquent lands in newspapers in certain counties,	513	537	538	
384	Authorizing Samuel Cooper and Henry Ward to keep a certain mill dam in Kosciusko,	513	537	537	693
385	To provide for opening roads in Hancock,	513	537	537	593
386	To repeal a part of a certain law therein named,	513		544	589
387	For the relief of Turner Nelson and others,	513		550	556, 592
388	Concerning indictments in Scott county,	513	536, 550	537	593
390	Relative to the justices of the peace in Posey,	513	537, 550	546	548, 553, 566, 592
391	Making specific appropriations for 1844,	529	539	527	591
392	To locate a state road therein named,	527	527		
393	For the payment of the civil list,	567			
394	To vacate the town of Otsego, and for other purposes,	527	530, 568, 569	569	593
395	For the relief of Jacob Daringer,	529	549	549	593
396	For the benefit of John Yount and Phillip Weaver,	528	555		
397	To declare a certain road therein named a state road,	527	527	527	532, 591
398	For the relief of the heirs of George W. Breckenridge, deceased,	596	596		
400	Providing that each member of this General Assembly shall be entitled to a copy of the revised laws of this State,	527			592

## BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

Number.	TITLES.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
402	To locate a state road in the counties of Porter and Lake, . . . . .	527	527	527	589
403	For the removal of the obstructions from Rockville road, . . . . .	539	539	539	593
404	To change a certain part of a state road in Clay, . . . . .	527	530	530	592
405	For the relief of Dowling & Cole, State Printers, . . . . .	527	531	531	
406	For the relief of Aquilla Rodgers, agent of three per cent. fund in Monroe, . . . . .	527	527	527	589
407	Permitting a dry dock at Wabash, . . . . .	527	527	527	589
409	To amend an act to confine voters to their respective townships, . . . . .	528	549	549	593
410	To amend the practice of law in the Allen circuit court, . . . . .	528	549	549	592
411	To vacate certain state roads therein named, . . . . .	528	549	549	590
412	Repealing so much of an act providing for a more uniform mode of doing township business, so far as relates to the . . . . .	529	549	549	591
415	Containing provisions for the instruction of the deaf and dumb in this State, . . . . .	570	570	570	593

## BRIGHT, JESSE D.

Elected Lieutenant Governor and inaugural address, . . . . .	23
Valedictory address of, . . . . .	602

## C

## CARR, GEORGE W., (Lawrence.)

Appears, . . . . .	3
Motion by, to lay on the table Sands' resolution relative to adjourning, . . . . .	38
Motion by, to refer Kelso's memorial and other papers to committee on elections, . . . . .	40
Motion by, to add "Lawrence" to bill No. 48 of Senate, . . . . .	176
Motion by, to commit, with instructions, bill 149 of Senate, . . . . .	398
Motion by, to amend bill of Senate No. 141, (State Agent,) . . . . .	433
Motion by, to exempt Lawrence in bill of the House No. 278, . . . . .	—8

## CARR, JOHN F., (of Jackson.)

Appears, . . . . .	4
Motion by, to abolish office of State Librarian, . . . . .	425

## CHAPMAN, JOSEPH W.

Appears and sworn, . . . . .	4
Motion by, to amend salary bill No. 23 of Senate, . . . . .	82
Motion by, to refer bill of Senate No. 41 to a committee, . . . . .	127
Motion by, to amend bill of Senate No. 41, (relief of tre'rs,) . . . . .	147
Motion by, to reconsider joint resolution of House No. 2, (Gen. Jackson's,) . . . . .	152
Motion by, to strike out "laudably" in Leviston's resolution, . . . . .	166
Motion by, to insert "Laporte, Porter, and Lake," in bill 70 of Senate, . . . . .	178
Motion by, to exempt "Laporte, Porter, and Lake," in bill 81 of Senate, . . . . .	188
Motion by, to instruct committee on bill No. 100 of House, . . . . .	201
Motion by, to instruct committee on bill No. 73 of Senate, . . . . .	236
Motion by, to introduce resolution in relation to contested seat of D. Henry, . . . . .	317
Motion by, to take from table communication of John H. Bradley, attorney for D. Henry, . . . . .	320
Motion by, to amend bill for relief of settlers on Wabash and Erie canal lands, . . . . .	397
Motion by, to amend bill of Senate No. 141, (State Agent,) . . . . .	433
Motion by, to amend bill making specific appropriations, . . . . .	439
Motion by, to amend same by allowing Kelso \$130 for prosecuting his claim to a seat in Senate, . . . . .	540

Motion by, to postpone bill 82 of House, to postpone payment of taxes for 1843, . . . . .	568.
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## COMMITTEES, STANDING.

On Elections announced, . . . . .	32
On Finance announced, . . . . .	32
On the Judiciary announced, . . . . .	32
On Federal Relations announced, . . . . .	33
On Education announced, . . . . .	33
On Military Affairs announced, . . . . .	33
On Roads announced, . . . . .	33
On the Affairs of the Town of Indianapolis announced, . . . . .	33
On Canals and Internal Improvements announced, . . . . .	33
On Claims announced, . . . . .	33
On the State Prison announced, . . . . .	33
On Unfinished Business announced, . . . . .	33
On State Library announced, . . . . .	33
On Public Buildings announced, . . . . .	34
On the State Bank announced, . . . . .	34
On Agriculture announced, . . . . .	34
On Corporations announced, . . . . .	34
On Enrolled Bills announced, . . . . .	34
On Public Buildings, joint, announced, . . . . .	34
On Canal Fund announced, . . . . .	34
On the State Library announced, . . . . .	34

For reports from committees see *Reports*.

## COMMISSIONER OF WABASH AND ERIE CANAL.

Ebenezer Lucas elected for whole line, . . . . .	215.
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## COLLETT, STEPHEN S.

Appears, . . . . .	4
Motion by, to amend salary bill of Senate, No. 23, . . . . .	69
Death of, announced, Dec. 29th, 1843, . . . . .	207

## CORNETT, WM. T. S.

Appears, . . . . .	3
Motion by, to go into committee of whole on Governor's message, . . . . .	45
Motion by, to amend salary bill of House No. 45 . . . . .	62
Motion by, to amend salary bill of Senate No. 23, . . . . .	68
Motion by, to suspend rules and read bill of House No. 129, . . . . .	144
Motion by, to levy one cent on \$100 for Lunatic Asylum, . . . . .	521

COTTON, ROBERT G.

Appears, . . . . . 4

CREDENTIALS.

Report of committee on elections on, . . . . . 365

D

DAVIS, ABNER M.

Appears, . . . . . 4  
 Motion by, to lay on the table Ewing and Morgan's amend-  
 ment to salary bill, . . . . . 57  
 Motion by, to commit deaf and dumb bill No. 47, of Senate, 200  
 Motion by, to change his vote on bill No. 45, of Senate, . . . 224

DAVIS, JOHN S.

Appears and sworn, . . . . . 4  
 Motion by, to amend bill of Senate No. 163, (N. Albany road,) 419

DEFREES, JOHN D.

Appears and sworn, . . . . . 4  
 Motion by, to take up joint resolution No. 4, (Revised Code,  
 1843,) . . . . . 47  
 Motion by, to amend bill to reduce salaries of officers, No. 23, 58, 68  
 Motion by, to refer joint resolution of House No. 2, (Gen.  
 Jackson's,) . . . . . 140  
 Motion by, to amend bill No. 41 of Senate, for relief of tr'rs, 160  
 Motion by, to insert St. Joseph, Marshall, and Fulton in bill  
 of Senate No. 81, . . . . . 188  
 Motion by, to amend majority report in case of Henry's  
 election, . . . . . 386

DOBSON, DAVID M.

Appears, . . . . . 3  
 Motion by, to amend bill No. 1, allowing further time for dis-  
 training for nonpayment of taxes in Harrison county, . . . 36  
 Motion by, to lay on table resolution to adjourn sine die, . . . 37  
 Motion by, to refer Branch Bank annual reports, . . . . . 45  
 Motion by, to amend salary bill of Senate, No. 23, . . . . . 65  
 Motion by, to amend 15th section of committee's amendm't  
 to bills of House and Senate, reducing salaries, . . . . . 77  
 Motion by, to amend bill of Senate No. 41, (relief of trea'rs,) 146

Motion by, to amend resolution to take par funds only for tolls on Wabash and Erie canal, . . . . .	340
Motion by, to strike out par funds from bill of House No. 126, . . . . .	436
Motion by, to amend bill 304 of House, (John Smith,) . . . . .	564
Motion by, to amend bill 57 of House, for the relief of John Sankey, by inserting Panzy after Sankey, . . . . .	596

DORAN, EDWARD C.

Elected Assistant Secretary of Senate, . . . . .	7
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DUZAN, MARK A.

Appears, . . . . .	4
Motion by, to amend salary bill of Senate No. 23, . . . . .	69

E

ELECTIONS.

Of William T. Otto, Principal Secretary, . . . . .	6
Of Edward C. Doran, Assistant Secretary, . . . . .	7
Of John Bishop, Doorkeeper, . . . . .	7
Of Treasurer of State, . . . . . 92, 93, 95, 98, 101, 114	
Of Auditor of State, . . . . . 114, 119	
Of E. M. Chamberlain, President Judge, . . . . .	125
Of John Law, President Judge, . . . . .	125
Of Jehu T. Elliott, President Judge, . . . . .	125
Of M. G. Bright, State Agent, . . . . .	213
Of Ebenezer F. Lucas, Superintendent of W. and E. Canal, . . . . .	215
Of Delana R. Eckles, State Printer, . . . . .	235
Of James Morrison, President of State Bank, . . . . .	252
Of Abel C. Pepper, Bank Director, . . . . .	344

ELECTIONS, CONTESTED.

David Henry's right to represent Switzerland county, by Daniel Kelso, . . . . .	39
Proceedings of board of commissioners in relation to this contest, . . . . .	39
Resolution to allow Henry and Kelso to appear before com., . . . . .	41
Kelso's communication, . . . . .	52
Committee allowed a clerk, . . . . .	52
Depositions from Switzerland, . . . . .	242
Report of Mr. Chapman, chairman of committee, . . . . .	253
Report of journal of proceedings kept by committee, . . . . .	262
Memorial of D. Henry as to his right to his seat, . . . . .	311
Communication of John H. Bradley, attorney for Henry, . . . . .	320
Report of Mr. Defrees from minority, . . . . .	379

## EWING, JOHN.

Appears and sworn, . . . . .	4
Motion by, to lay on table resolution to furnish papers, . . . . .	10
Motion by, to lay on table petition relative to a state road, . . . . .	12
Motion by, to take from table the above, relative to a road, . . . . .	35
Motion by, to refer joint resolution No. 3, . . . . .	45
Motion by, to take up resolution as to Knox county line, . . . . .	54
Motion by, to amend joint resolution of Senate No. 23, . . . . .	57, 68, 69
Motion by, to amend salary bill of House No. 45 . . . . .	63
Motion by, to amend committee's amendment to bill No. 23 of Senate, . . . . .	81, 82
Motion by, to refer bill No. 27 with instructions, . . . . .	100
Motion by, to amend joint resolution No. 39, as to drawback on salt, . . . . .	108
Motion by, to give the election of probate and circuit judges to the people, . . . . .	124
Motion by, to commit, with instructions, bill to vote viva voce, . . . . .	167
Motion by, to read Wabash Rapids improvement petition, . . . . .	218
Motion by, to amend joint resolution of House, No. 2, (Gen. Jackson's,) . . . . .	356
Motion by, to amend resolution reducing salary of President of State Bank, . . . . .	371
Motion by, to amend bill of Senate No. 60, . . . . .	391
Motion by, to except Knox, bill 176 of Senate, . . . . .	428
Motion by, to amend bill of House No. 126, (canal scrip,) . . . . .	437
Motion by, to amend bill No. 316 of House, (Sam'l Campbell,) . . . . .	556
Motion by, to commit and amend bill relative to Treasury Notes, No. 204 of House, . . . . .	567

## F

## FARMER, ELI P.

Appears, . . . . .	4
Motion by, to amend salary bill of Senate No. 23, . . . . .	69
Motion by, to lay on table Dobson's motion in relation to sa- lary of auditor of Monroe county, . . . . .	557

## FISHER, STEARNES,

Commissioner of Wabash and Erie canal, east of Tippecanoe, see *Reports*.



## G

## GOVERNOR.

Annual message of, by Samuel Bigger, present incumbent, -	13
Opening and publishing returns of votes for Governor and Lieutenant Governor, - - - - -	22
Whitcomb, James, declared elected Governor, - - - - -	22
Bright, Jesse D., declared elected Lieutenant Governor, -	23
Joint committee appointed to wait on Governor and Lieutenant Governor elect and their report, - - - - -	23
Inaugural address of Governor Whitcomb, - - - - -	24
Inaugural address of Lieutenant Governor Bright, - - -	30
Communication from, in relation to new state prison, - -	103
Communication from, in relation to report of I. P. Smith as to plan of Lunatic Asylum, - - - - -	345
Communicating resignation of State Printer, - - - - -	352
Recalling his message announcing his approval to bill of Senate No. 57, - - - - -	523
Veto by Governor, - - - - -	580

## H

## HARRIS, HORATIO J.

Elected State Auditor, . . . . .	121
----------------------------------	-----

## HENRY, DAVID.

Appears and sworn, . . . . .	5
Seat of, contested by Daniel Kelso, . . . . .	39
Motion by, to suspend rules and read bill of House No. 17, . . .	49
Motion by, to amend salary bill of Senate No. 23, . . . . .	70, 80
Retires from Senate and returns home, . . . . .	252

## HERRIMAN, DAVID.

Appears and sworn, . . . . .	4
Motion by, to amend bill of Senate No. 20, . . . . .	72
Motion by, to amend bill reducing salaries No. 23, . . . . .	80
Motion by, to instruct committee as to bill of Senate No. 10, . .	94
Motion by, to amend the specific appropriation bill, . . . . .	539

## HODGE, JAMES.

Appears, . . . . .	4
Motion by, to amend salary bill No. 23 of Senate, . . . . .	79

Motion by, to amend bill No. 41 of Senate, (relief of trea'srs,)	147
Motion by, to publish evidence in Henry's case, . . . . .	425

### HOOVER, DAVID.

Appears, . . . . .	3
--------------------	---

### HUTTON, ALBERT G.

Appears and sworn, . . . . .	4
------------------------------	---

### I

### INAUGURAL ADDRESS.

Of Governor Whitcomb, . . . . .	24
Of Lieutenant Governor Bright, . . . . .	30

### J

### JONES, C. V.

Appears and sworn, . . . . .	4
Motion by, to suspend rules and read bill of House No. 89, . .	113
Motion by, to lay on table bill of Senate No. 170, . . . . .	559

### JUDGES ELECTED.

See *Elections*.

### K

### KELSO, DANIEL, of Switzerland.

Memorial of, see *Elections, Contested*.

### KINDER, T. BROWN.

Appointed private secretary to Governor, . . . . .	110
--	-----

### KENNEDY, JOHN Y.

Appears, . . . . .	4
Motion by, to amend bill of Senate No. 41, . . . . .	112

## L

## LEVISTON, JAMES.

Appears and sworn, . . . . .	4
------------------------------	---

## M

## MAJOR, ANDREW.

Appears and sworn, . . . . .	4
Motion by, to allow clerk of Carroll \$300 for duties as auditor, bill No. 180, of House, . . . . .	482

## MAYHEW, ROYAL.

Elected Treasurer of State, . . . . .	114
---------------------------------------	-----

## MILLER, SMITH.

Appears, . . . . .	3
Motion by, to lay resolution for calling a convention, on table, . . . . .	9
Motion by, to lay petition of Vincennes University on table, . . . . .	56
Motion by, to take up petition of Vincennes University, . . . . .	94

## MITCHELL, WM. B.

Appears, - - - - -	4
Motion by, to take up his resolution as to a convention, - - - - -	47
to amend salary bill of H. R. No. 45, . . . . .	61
to amend salary bill of H. R. No. 46, - - - - -	119
to add Elkhart in bill No. 48, of Senate, - - - - -	165
to insert Elkhart, Kosciusko, and Whitley, bill 81, of Senate, - - - - -	188
to be excused from voting on joint resolution refunding Gen'l. Jackson's fine, - - - - -	358
to make scrip (W. & E. canal, W. Tip.,) bear 6 per cent. interest, (bill of Senate 149, - - - - -	397
to amend specific appropriation bill, - - - - -	541

## MOORE, FREDERICK.

Appears and sworn, - - - - -	4
Motion by, to add "Montgomery" to bill No. 48, of Senate, . . . . .	165
"    "    " "Montgomery" to bill of Senate No. 81, - . . . .	188

**MORGAN, JAMES.**

Appears and sworn, -	-	4
Motion by, to postpone resolution for newspapers, -	-	11
to amend resolution for newspapers, -	-	36
to amend bill of Senate No. 1, -	-	53
to amend bill to reduce salaries, No. 23, -	-	57, 58
to amend bill of H. R., No. 45, -	-	60
to amend bill of Senate to reduce salaries, No. 23, -	-	67, 78
to postpone bill No. 28, of Senate, -	-	100
to amend bill of Senate No. 41, (relief of treasurers,) -	-	147
to strike out Decatur in bill No. 43, of Senate, -	-	161
to add Decatur in bill of Senate No. 48, -	-	165
to reject bill No. 24, H. R., (turnpike road,) -	-	435
to amend revenue bill, -	-	520
to add name of Joseph H. Hendricks, -	-	584

●

**ORDER OF BUSINESS,**

Order of business as announced by President Bright, -	31
---	----

**OTTO, WM. T.**

Elected Secretary of Senate -	6
-------------------------------	---

**ORTH, GODLOVE S.**

Appears and sworn, -	-	-	4
Motion by, to lay on the table bill of Senate No. 1, -	-	-	53
to amend salary bill of Senate, No. 23 -	-	66, 67, 78	
to amend bill No., 46, of Senate, -	-	-	142

P

**PARKS, PARMENTER M.**

Appears, . . . . .	4
Gives notice to amend rules so as to meet at 8½ o'clock, . . .	340

**PETITIONS, ETC.**

Presented by Mr. Alexander.

Akin, 90, 117, 132, 243.

Bradley, 132.

Burk,

Presented by Mr. Buell, of Warren, 231.

Buell, of Dearborn, 96.

Berry, 35.

Carr, of Jackson and Scott,

Carr, of Lawrence, 35, 39, 225.

Chapman, 224.

Collett.

Cornett.

Cotton, 74, 96, 388.

Davis, of Daviess, 12, 35, 40, 132, 171, 364.

Davis, of Floyd, 343, 388.

Defrees, 56, 378.

Dobson, 117, 242, 243, 364, 386.

Duzan.

Ewing, 49, 121, 172, 387.

Farmer, 388.

Henry.

Heiriman, 39, 49, 96, 112, 172, 216, 364, 566.

Hodge, 40, 65, 74, 172, 224, 225, 378.

Hoover, 439.

Hutton.

Jones, C. V. 232, 243.

Kennedy.

Leviston, 132, 377.

Major.

Miller, 73, 172, 252, 364.

Mitchell, 35, 127, 171, 183, 205.

Moore.

Morgan, 378.

Orth, 35, 40, 117, 211, 225, 225, 370, 379.

Parks.

Pennington, 64, 242, 387.

Pitcher.

Reed, 74.

Reeve, 73, 132, 225, 379.

Reyburn, 132, 165, 364, 379.

Ritchey, 117, 121, 370.

Sands, 387, 439.

Shanks.

Sinclear, 243.

Stanford, 74.

Tannehill, 38, 231.

Todd, 231, 339, 387, 388.

Walpole, 205.

Wilber, 216, 243.

Wood, 52, 74, 364, 378.

## PENNINGTON, DENNIS.

Appears, - - - - -	4
Motion to lay on table, resolution to furnish papers, - - -	10
reciprocate resolution of H. R., to wait on Governor, - - - - -	12
take bill No. 1, introduced by him, from table, - - -	36
take up and refer bill No. 1, - - - - -	39
amend bill No. 27, by inserting Harrison, - - -	100
strike out "unjust," (Gen'l Jackson's fine), - - -	140

## PITCHER, JOHN.

Appears, - - - - -	3
Motion to amend resolution to take newspapers, - - -	36
Motion by, to amend resolution relative to banks, - - -	50
to instruct road committee on bill No. 20, - - -	72
to amend resolution of H. R., as to adjournment, - -	130
to add Posey in bill No. 48, of Senate, - - -	176
to insert Blairsville in Armory resolution No. 91, H. R., - - - - -	189
to exempt certain houses in Harmony, from taxation, - - - - -	474

## PRINTERS, STATE.

Delena R. Eckles, elected, - - - - -	235
Delena R. Eckles, resigns, - - - - -	352
Jacob P. Chapman, elected, - - - - -	363
Communication from John Dowling, - - - - -	433

## PROTEST.

Of T. J. Todd, W. T. S. Cornett, David Henry, Dennis Pennington, Thomas R. Stanford, Godlove S. Orth, W. M. Reyburn, against the passage of a bill of the House of Representatives, No. 101, for electing certain officers <i>viva voce</i> :	
Against the irregular proceeding of the Senate in the proceedings relating to refunding Gen. Jackson's fine, by Messrs Jas. H. Buell, Orth, Defrees, Davis of F., Bradley, Hodge, Moore, Alexander, Pennington, Farmer, Pitcher, Burke, Cotton, Ewing, Sands, Reeve, Reyburn, Todd, and Walpole, - - - - -	576

## REPORTS OF STATE OFFICERS.

From State Bank and several branches, annual, - - -	39
Secretary of State as number of copies of German Revised Code for 1843, subscribed for, - - - - -	44

From Indianapolis branch bank, annual, - - -	44
Sam'l. Merrill, President State Bank, - - -	52
Board of Directors of State Bank, - - -	56
S. Fisher Com'r of W. & E. canal east Tip., annual, -	64
S. Merrill as Com'r. of sinking fund, - - -	64
S. Merrill as to salaries of bank officers, - - -	88
M. Morris, State Auditor, as to bank tax fund, -	89
I. P. Smith, superintendent of New State Prison, -	104
M. G. Bright, Agent, as to contingent expenses, -	138
James Blair, com'r. of W. & E. canal, west Tip. -	170
M. G. Bright, in answer to resolution, - - -	455
M. Morris, State Auditor, transmitting copies of reports of com'r. of New Albany and Vincennes road, -	496
Geo. H. Dunn, superintendent of common schools, -	505
Charles W. Cady, Secretary of the Indiana Mutual Fire Insurance company, - - -	505
Wm. Sheets, Secretary of State, returning bill of Sen- ate No. 57, erroneously approved and filed in his of- fice, - - -	536

## REPORTS OF COMMITTEES ON ELECTIONS.

By Mr. Chapman, on the contested election of David Henry, -	253
"    on credentials of Senators elect, - - -	365
Defrees, from minority as to D. Henrys' seat, -	379

## REPORTS OF COMMITTEE ON FINANCE.

By Mr. Leviston on joint resolution No. 13, of Senate, -	90
Wilber on resolution relative to assessing, - - -	133
Bradley, on resolution as to reducing auditors' fees, -	144
Same, on resolution to abolish county auditors, -	144
Read, on bill of Senate No. 43, - - -	161
Hoover, on petition of Henry Rider, - - -	165
Hoover, on bill for Delaware and Grant counties, No. 83, of Senate, - - -	193
Wilber, on resolution to change the time of meeting, -	193
Bradley, on resolution to reduce salary of State Libra- rian, - - -	193
Akin, on bill of Senate No. 66, (as to county funds,) -	194
Bradley, on bill of Senate No. 68, - - -	194
Leviston, on bill of Senate No. 80, (auditor of Union,) -	232
Akin, on Governors' message, - - -	233
Hoover, on Governors' message, - - -	233
Wilber, on bill of H. R. No. 6, (auditor of Warrick,) -	234
Akin, on petition of Wm. Johnson, of Sullivan, -	440
Leviston, on bills of H. R. No. 29 and 82, (postponing taxes,) - - -	440

## REPORTS OF COMMITTEE ON THE JUDICIARY.

By Mr. Defrees, on petition from Delaware county,	73
Mr. Orth, on resolution relative to calling a convention,	106
Mr. Chapman, on bill to suspend sale for taxes certain lands,	111
Mr. Chapman, on bill of H. R. No. 46,	119
Mr. Pitcher, on resolution facilitating collection of debts,	121
Mr. Chapman, on bill No. 19 of S.,	123
Mr. Cornett, on bill No. 1 of S.,	133
Mr. Orth, on resolution altering the law as to assessing,	133
Mr. Orth, on petition of Dumont as to extending time,	134
Mr. Cornett, on resolution to repeal a certain law,	145
Mr. Orth, on bill No. 4 of S., (fees and salaries,)	145
Mr. Cornett, on bill No. 18 of S.,	152
Mr. Davis of Floyd, on resolution relative to Banks,	152
Mr. Davis of Floyd, on resolution as to assessors,	152
Mr. Chapman, on resolution to provide that bond be given by the superintendent of W. & E. Canal,	156
Mr. Chapman, on bill of H. R. No. 143,	157
Mr. Chapman, on bill of S. No. 52,	161
Mr. Chapman, on bill of S. No. 48, (Grant county,)	165
Mr. Davis of Floyd, on resolution as to relief of treasurers,	173
Mr. Cornett, on bill of H. R. No. 87,	216
Mr. Davis of Floyd, on bill of H. R. No. 169, (sale of real estate,)	216
Mr. Cornett, on bill of S. No. 27,	225
Mr. Davis of Floyd, on bill of S. No. 95,	226
Mr. Davis of Floyd, on bill of House No. 52, (marks and brands,)	226
Mr. Cornett, on resolution relative to White Water Company,	226
Mr. Pitcher, on bill regulating boundaries of Gibson and Warrick,	229
Mr. Cornett, on bill of S. No. 73,	235
Mr. Walpole on bill of S. No. 19,	237
Mr. Orth, on memorial of Ann Frankbower,	231
Mr. Cornett, on bill of S. No. 61,	331
Mr. Pitcher, on resolution in relation to justices,	332
Mr. Walpole, on petition of J. Baldwin and others,	332
Mr. Pitcher, on bill of S. No. 86, (title to Gibson lands,)	333
Mr. Pitcher, on petition of Jacob Benedict,	333
Mr. Pitcher, on bill No. 17 of Senate, (acknowledgment of deeds,)	334
Mr. Chapman, on resolution to reduce number of Senators,	389
Mr. Chapman, on resolution modifying criminal law,	389
Mr. Davis of Floyd, on bill of Senate No. 153, (seizure of boats,)	389



By Mr. Cornett, on jt. resolution of S. No. 132, (relief)	-	390
Mr. Pitcher, on bill of S. (for married women to hold property,)	-	391
Mr. Pitcher, on bill of Sen. (to take acknowledgments of deeds,)	-	393
Mr. Walpole, on bill of S. No. 143, (valuation laws,)	-	393
Mr. Pitcher, on resolution as to school commissioners,	-	440
Mr. Pitcher, on resolution as to fees and salaries,	-	441
Mr. Pitcher, on resolution for Bank to collect 10 per cent. per annum of her suspended debt,	-	441
Mr. Chapman, on bill of Senate No. 164,	-	503

## REPORTS OF COMMITTEE ON FEDERAL RELATIONS.

By Mr. Ewing, on joint resolution of S. No. 3,	-	56
Mr. Ewing, on joint resolution of S. No. 34, (Oregon,)	-	172
Mr. Ewing, on jt. resolution relative to an armory,	-	226
Mr. Ewing on Governor's message,	-	452

## REPORTS OF COMMITTEE ON EDUCATION.

By Mr. Cornett, on petition from Tippecanoe county,	-	74
Mr. Cornett, so much of Governor's message,	-	122
Mr. Carr of Lawrence, on subject of lunatic asylum,	-	122
Mr. Stanford, on petition from Grant county,	-	123
Mr. Cornett, on bill of H. R. No. 85, (Pike county,)	-	183
Mr. Carr of Lawrence, on resolution as to applying Bank tax,	-	194
Mr. Cornett, on resolution to lease saline lands,	-	195
Mr. Carr of Lawrence on bill of — No. 38, (State Librarian,)	-	196
Mr. Ritchey, on resolution as to school funds,	-	206
Mr. Cornett, on petition from Greene,	-	216
Mr. Ritchey, on bill for relief of S. Kitson,	-	350
Mr. Ritchey, on petition from Jefferson,	-	350
Mr. Cornett, on petition from Boone,	-	394
Mr. Stanford, on bill for the security of the school fund in Jackson county,	-	394
Mr. Pennington, on petition of J. Chambers, &c.,	-	417
Mr. Cornett, on petition of Thos. C. Johnson, of Owen,	-	447
Mr. Cornett, on petition of Aaron Peters,	-	447
Mr. Carr of Lawrence, on petition of Perry co. board,	-	448
Mr. Stanford, on bill for relief of Peter Everhart,	-	448
Mr. Ritchey, on communication as to lunatic asylum,	-	449
Mr. Cornett, on bill No. 138 of S.,	-	490
Mr. Cornett, on bill of S. No. 182,	-	505
Mr. Cornett, on joint resolution of House of Representatives No. 151,	-	564

By Mr. Cornett, on plan of W. Smith, architect of a lunatic asylum,	565
Mr. Cornett, on bill 174 of H. R., regulating duties of school com'r, &c. in Marion,	578

### REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

By Mr. Tannehill, on bill No. 71 of Senate to organize the militia,	334
---	-----

### REPORTS OF COMMITTEE ON ROADS.

By Mr. Wood, on petition from Randolph and Jay,	134
Mr. Herriman, on resolution as to supervisors,	158
Mr. Herriman, on resolution as to compensation of supervisors,	158
Mr. Alexander, on resolution to amend road law,	195
Mr. Herriman, on bill No. 51, (road in Randolph and Jay,)	238
Mr. Herriman, on bill No. 67, (road in Miami,)	238
Mr. Herriman, on petition from Daviess for a road,	375
Mr. Berry, on bill of S. No. 97,	451
Mr. Herriman, on bill of H. R. No. 368,	-

### REPORTS OF THE COMMITTEE ON THE AFFAIRS OF THE TOWN OF INDIANAPOLIS.

By Mr. Davis of Daviess, on petition of council for Governor's Circle,	411
--	-----

### REPORTS OF COMMITTEE ON INTERNAL IMPROVEMENTS.

By Mr. Wilber, on claim of James Vawter,	153
Mr. Hutton, on resolutions of Senate, 11, 15, 16,	183
Mr. Ritchey, on resolution to induce companies to take public works,	217
Mr. Ritchey, on bill No. 45 of S., (Wabash Rapids,)	217
Mr. Sinclair, on resolution to abolish the fee for patents,	218
Mr. Ritchey, on resolution to extend time to purchasers of W. & E. Canal lands,	335
Mr. Ritchey, on petition from Warren,	336
Mr. Ritchey, on petition from Huntington,	395
Mr. Jones, on petition from Fountain,	395
Mr. Orth, on bill of S. No. 149,	395
Mr. Carr, on resolution as to water power,	411
Mr. Ritchey, on petition of J. H. McTaggart,	503

## REPORTS OF COMMITTEE ON CLAIMS.

By Mr. Dobson, on bill of H. R. No. 27, - - - 490

## REPORTS OF COMMITTEE ON THE STATE PRISON.

By Mr. Shanks, on bill of H. R. No. 147, - - - 492

## REPORTS OF COMMITTEE ON STATE BANK.

By Mr. Wilber, on joint resolution reducing salaries, - 371  
 Mr. Akin, on resolution to prohibit small notes of Bank  
 Indiana from being issued, - - - 372  
 Mr. Parks, on Governor's message, - - - 412  
 Mr. Akin, on bill of H. R. No. 221, - - - 493  
 Mr. Akin, on reports of several Branches, - - - 548

## REPORTS OF COMMITTEE ON AGRICULTURE.

By Mr. Parks, on bill of H. R. 106, - - - 219  
 Mr. Parks, on petition from Cass, - - - 412

## REPORTS OF COMMITTEE ON CORPORATIONS.

By Mr. Davis of Floyd, on bill No. 9, - - - 75  
 Mr. Herriman, on bill to incorporate Lagrange Phalanx, - 91  
 Mr. Davis of Floyd, on bill No. 5, (Notre Dame,) - 127  
 Mr. Miller, on bill of S. No. 47, (deaf and dumb,) - 183  
 Mr. Miller, on bill of H. R. No. 30, (church in Decatur, 196  
 Mr. Davis of Floyd, on bill No. 37, H. R. (incorporation  
 of towns, - - - 220  
 Mr. Read, on bill incorporating Madison University, - 239  
 Mr. Berry, on bill of S. No. 119, (Hanover trustees,) - 336  
 Mr. Davis of Floyd, on bill of S. No. 120, (South Bend,) 350  
 Mr. Miller, on bill of S. No. 109, - - - 413  
 Mr. Orth, on bill of S. No. 134, (turnpike company,) - 413  
 Mr. Berry, on bill of S. No. 112, (same) - - - 414  
 Mr. Miller, on bill of S. No. 122, (same) - - - 417  
 Mr. Orth, on bill of S. No. 152, - - - 424  
 Mr. Chapman, by bill No. 195, - - - 451  
 Mr. Miller, on bill of Ho. Rep. No. 228, (Terre Haute  
 bridge,) - - - 546

## REPORTS OF JOINT COMMITTEE ON STATE LIBRARY.

By Mr. Carr of Jackson, on resolution by bill No. 160, - 412

## REPORTS OF SELECT COMMITTEES.

On State road in Elkhart county, - - - -	46
On petition from Franklin county, by bill No. 12, - -	49
On petition from Bartholomew county, and bill of S. No. 1, -	52
By Mr. Davis of Floyd, on bill of S. No. 23, and bill H. R. No. 45, - - - -	75, 84
Mr. Hodge, on petition of John Graham, - - - -	98
Mr. Parks, on abolishing office of State Librarian, -	108
Mr. Pitcher, on bill of S. No. 16, (to organize Ohio co.,)	123
Mr. Stanford, on petition from Greensborough, Henry co.	134
Mr. Herriman, on resolution relative to Lagrange county,	145
Mr. Akin, on petition from Sullivan, - - - -	146
Mr. Orth, on bill of S. No. 41, (relief of treasurers,) -	147
Mr. Herriman, on bill of Senate No. 57, (relative to Lagrange county,) - - - -	148
Mr. Read, on bill of S. No. 42, - - - -	151
Mr. Stanford, on bill of S. No. 41, (relief of treasurers,) -	159
Mr. Davis of Floyd, on petition from New Albany as to roads, - - - -	173
Mr. Bradley, on petition from Parke, - - - -	173
Mr. Davis of Daviess, on petition from Daviess, -	174
Mr. Akin, on petition from Sullivan, - - - -	174
Mr. Herriman, on petition from Steuben, - - - -	174
Mr. Cotton, on petition from Perry, (county auditor,) -	183
Mr. Bradley, on bill of H. R. No. 73, (Parke county,) -	183
Mr. Wood, on bill No. 109 H. R. (Henry Bragg,) -	197
Mr. Davis of Daviess, on bill to relocate county seat of Martin county, - - - -	219
Mr. Pennington, on bill of H. R. 117, (estrays law,) -	220
Mr. Hodge, on petition of Sam'l Hutchings, - - -	221
Mr. Ewing, on resolution relating to Knox, - - -	227
Mr. Herriman, on petition from Noble, - - - -	227
Mr. Orth, on petitions from Tippecanoe, - - - -	227
Mr. Read, on bill to restore Miami records, - - -	228
Mr. Reyburn, on petition of Giles W. Thomas, - -	230
Mr. Chapman, on bill of H. R. No. 18, - - - -	239
Mr. Miller, on petition of com'rs of Gibson, - - -	240
Mr. Reeve, on petition from Rush, - - - -	240
Mr. Pitcher, on bill of H. R. No. 8, (Ohio county,) -	240
Mr. Pennington, on petition of William Youstler, -	337
Mr. Orth, on petition of city of Lafayette, - - -	337
Mr. Mitchell, on petition, &c. from Kosciusko, -	338

By Mr. Hodge, on petition from Delaware,	-	-	338
Mr. Cotton, on bill of H. R. No. 6,	-	-	338
Mr. Carr of Lawrence, on petition from Lawrence,	-	-	339
Mr. Herriman, on bill to relocate seat of justice of Noble,	-	-	350
Mr. Cornett, on bill of S. No. 150, (courts in Ripley, &c.)	-	-	399
Mr. Davis of Daviess, on bill of S. No. 106,	-	-	408
Mr. Morgan, on petition from J. Doolittle, &c.,	-	-	413
Mr. Tannehill, on petition from Bartholomew,	-	-	418
Mr. Farmer, on petition from Monroe,	-	-	418
Mr. Davis of Daviess, on reports of commissioners of New Albany and Vincennes road,	-	-	419
Mr. Ewing, on bill of S. No. 110, (Knox boundary,)	-	-	419
Mr. Dobson, on bill of H. R. No. 257, (Owen and Brown,)	-	-	420
Mr. Hodge, on petition from Delaware,	-	-	421
Mr. Dobson, on petition of Samuel Dyer,	-	-	421
Mr. Wood, on petition from Randolph,	-	-	421
Mr. Reyburn, on petition of S. Steinberger,	-	-	421
Mr. Jones, on petition from Alexander McClelland,	-	-	422
Mr. Leviston, on petition from Wayne and Union,	-	-	422
Mr. Miller, on petition of David P. Pitcher,	-	-	422
Mr. Buell of Warren, on petition of Warren,	-	-	423
Mr. Wilber, from minority on McClelland's petition,	-	-	423
Mr. Dobson, on petition of A. Dyer Bull,	-	-	424
Mr. Sands, on bill of H. R. No. 259,	-	-	452
Mr. Reyburn, on bill of S. No. 175,	-	-	475
Mr. Ewing, on bill of H. R. No. 102, (relief,)	-	-	476
Mr. Dobson, on petition from Knox,	-	-	495
Mr. Davis of Daviess, on report of com'rs of N. Albany and Vincennes road,	-	-	496
Mr. Wilber, on bill of S. No. 177, (Madison charter,)	-	-	516
Mr. Carr of Jackson, on bill No. 388 of H. R.,	-	-	550
Mr. Sands, on bill of H. R. No. 179,	-	-	554
Mr. Carr of Jackson, appointed to wait on the Governor,	-	-	601

## RESOLUTIONS.

<i>Subject matter of.</i>	<i>Mover's name.</i>	<i>Action of Senate.</i>
Informing H. R. of organization of Senate.	Mr. Davis of D.,	8
Admitting editors of newspapers to seats,	Cornett,	8
Against electing sergeant-at-arms,	Parks,	8
Authorizing doorkeeper to employ two assistants,	Akin,	8
Declaring rules of last session in force,	Read,	8, 22
Declaring joint rules of last session in force,	Davis of D.,	8, 22
Relative to the election of Auditor and Treasurer,	Cornett,	9, 21, 55
Relative to the election of President judges,	Parks,	9
Relative to calling a convention,	Mitchell,	9
Relative to opening the session with prayers,	H. R.,	9, 12
Relative to furnishing papers for Senate,	Chapman,	9, 23, 35
Requesting the H. R. to return a resolution,	Todd,	10
For furnishing papers to Senators,	Davis of D.,	10
Appointing a joint committee to wait on Governor,	Stanford,	11, 12
Appointing a joint committee to wait on Governor Whitcomb and Lt. Governor Jesse D. Bright,	Herriman,	22
Directing 1000 copies of Governor's message to be printed,	Carr of J.,	23
Directing 1000 copies of Gov. Whitcomb's inaugural address,	Parks,	36
Directing newspapers to be procured for Senate,	Defrees,	36
Relative to adjourning <i>sine die</i> ,	Burke,	36
Relative to extending further time to treasurers,	Hodge,	37
Relative to expediency of amending Revised Code of 1843, and in favor of adjourning at the earliest period,	Sands,	37
Relative to abolishing office of State Librarian,	Parks,	38
Asking information of Secretary of State as to number of copies subscribed for of R. C. to be printed in German language,	Morgan,	38

## RESOLUTIONS—Continued.

<i>Subject matter of.</i>	<i>Mover's name.</i>	<i>Action of Senate.</i>
Relative to necessity of strict economy and curtailment of expenses of State Government, - - -	Mr. Duzan,	38
Relative to northern boundary of Knox, -	Ewing, 40, 41,	54, 64
Granting David Henry and Daniel Kelso leave to appear before committee on elections, - - -	Orth,	41
Directing committee on elections to keep a journal of their proceedings, - -	Defrees,	41
Relative to correspondence of State Bank and Branches, - - -	Mitchell,	41
Relative to applying Bank tax to common schools, - - -	Wilber,	42
Relative to applying a certain portion of surplus revenue, - - -	Wilber,	42
Inquiring if school fund is injured by Treasury Notes, - - -	Wilber,	42
Relative to countersigning county orders, -	Parks,	42
Making compensation to supervisors uniform, - - -	Stanford,	42
Relative to taking evidence by commission in contested election of David Henry by Kelso, - - -	Davis of F.,	42
Securing equal rights in collection of debts, -	Reyburn,	42
Amending Revised Code as to appointment of supervisors, - - -	Wilber,	43
Relative to selling or leasing saline lands in Brown county, - - -	Farmer,	47
Relative to collection of debts, - - -	Wilber,	48
Relative to law to require Banks to continue specie payments, - - -	Burke,	48, 50
Relative to sale for taxes property mortgaged to State, - - -	Chapman,	50, 55
Repealing a law applying certain educational funds, - - -	Orth,	50
Relative to issuing patents for W. & Erie canal lands, - - -	Sinclear,	50
Procuring one copy of Revised Statutes for committees, - - -	Walpole,	50

RESOLUTIONS—*Continued.*

<i>Subject matter of.</i>	<i>Mover's name.</i>	<i>Action of Senate.</i>
Relative to copy of State Prison contract, (new prison,) - - - - -	Mr. Carr of J.,	53
Relative to amending present law for assessing revenue, - - - - -	Shanks,	53
Relative to duties of county assessors, -	Buell of W.,	53
Making White Water Canal Company individually liable for future issues of notes, Inquiring if White Water Canal Co. have leased water power to be used in Cincinnati, - - - - -	Berry,	54
Relative to reduction of fees of county auditors, - - - - -	Buell of D.,	54
Relative to amending the road law, -	Hodge,	54
Relative to using principal of certain funds for fees, - - - - -	Alexander,	54
Calling on State Auditor for amount of taxes paid by the Banks, - - - - -	Morgan,	56
Relative to working the National and Michigan roads by supervisors and hands, Relative to policy of jurors having discretionary power in cases of murder, -	Wilber,	65
Inquiring of President of State Bank as to salaries of officers of State Bank, &c. -	Burke,	65
Fixing day for election of State officers, -	Hodge,	65
Inquiring as to expenses of State Agent, Relative to time of assessing each year, -	Ewing,	66
Relative to proposed amendments to school laws, - - - - -	Defrees,	85
Requiring the people to be assessed on a given day, - - - - -	Burke,	86
Relative to abolishing certain county offices, - - - - -	Todd,	86
Relative to suspending the new State Prison, - - - - -	Ritchey,	86
Inquiring into constitutionality of a certain law, - - - - -	Parks,	87
Relative to relief of treasurers only by consent of securities, - - - - -	Leviston,	87
Calling on President of State Bank relative to certain funds, . . . -	Davis of D.,	87
	Hoover,	87
	Buell,	97
	Buell,	97



## RESOLUTIONS—Continued.

<i>Subject matter of.</i>	<i>Mover's name.</i>	<i>Action of Senate.</i>
Curtailling expenditures on account of State Library, - - -	Mr. Parks,	108
Fixing a day for election of superintendent of canal, - - -	Dobson,	108
Amending the law relating to general elections, - - -	Ritchey,	124
Providing for probate circuits, - - -	Parks,	124
To amend charter of State Bank, - - -	Hutton,	126
Requiring treasurers to specify the kind of funds received for taxes, - - -	Ritchey,	134
Making county liable for destruction of property by fire or riots, - - -	Orth,	135
Providing for an annual assessment of all real estate, - - -	Berry,	135
Placing replevy bail in justices courts on same footing as bail in circuit courts, - - -	Pitcher,	135
Directing a bill compelling superintendent of W. & E. canal to give bond, - - -	Berry,	148
Calling for copy of New Albany and Vincennes road commissioner's report, (west end and east end, - - -	Ewing,	150
Relative to electing a superintendent of schools, - - -	Chapman,	153
Reducing number of Senators prospectively, - - -	Hoover,	161
Giving probate judges power to administer oaths, - - -	Akin,	161
To print a document of last year in reports of this year, - - -	Alexander,	164
Inquiring as to power of seminary trustees to sell real estate, - - -	Ritchey,	166
Against taking newspapers for economy, - - -	Leviston,	166
Changing time of the meeting of the Legislature, - - -	Morgan,	166
Requesting the Governor to return bill H. R. 46, - - -	Mitchell,	172
Relative to leasing water on Central canal, - - -	Carr of L.,	174
Relative to repairs to State House, - - -	Buell of W.,	174
Relative to the law giving the public works to companies, to modify, - - -	Akin,	174
Relative to taxing fees of officers if over \$600, - - -	Ewing,	175

RESOLUTIONS—*Continued.*

<i>Subject matter of.</i>	<i>Mover's name.</i>	<i>Action of Senate.</i>
To extend time to purchasers of canal lands,	Mr. Sinclear,	185
Calling on M. G. Bright, State Agent,	Davis of D.,	203
Repealing a part of Revised Statutes,	Ritchey,	206
Paying the customary respect to S. S. Collett, senator from Vermillion deceased,	Dobson,	207
Instructing State Agent to suspend the distribution of suspended debt,	Walpole,	218
Repealing 12th sec. of act as to fees,	Moore,	228
Declaring that D. Henry, Senator from Switzerland, was not elected, and that there was no election,	Chapman,	319
Providing for vacancies in office of school commissioner,	Todd,	340
Providing for collecting 10 per cent. per annum of Bank's debts, also the same privilege to individuals,	Burke,	340
Providing that canal scrip hereafter bear 6 per cent. interest,	Berry,	340
Establishing same tolls in Indiana as charged in Ohio on W. & E. Canal,	Wilber,	340
Repealing all laws making clerks report the amount of fees belonging to witnesses,	Bradley,	341
Confining voters to their own townships,	Reeve,	341
Authorizing auditors to administer oaths,	Burke,	342
Relative to the business on file in each Branch, and arresting any new business,	Ewing,	345
Setting apart the saline lands in Brown county for an orphan asylum,	Farmer,	346
Changing the hour of meeting to 8 o'clock,	Parks,	346
Amending act relative to sale of real and personal property by execution,	Read,	346
Electing a State Printer <i>vice</i> D. R. Eckles, resigned,	Dobson,	353
To hold night sessions of Senate,	Davis of D.,	398
Employing assistance for secretaries,	Pennington,	403
Providing for printing majority and minority reports from committee on elections in case of D. Henry,	Defrees,	408
To elect a librarian,	Chapman,	424
To amend Chapman's resolution,	Mitchell,	424

## RESOLUTIONS—Continued.

<i>Subject matter of.</i>	<i>Mover's name.</i>	<i>Action of Senate.</i>
To publish the depositions, &c. in the case of D. Henry, - - - -	Mr. Hodge,	426
Requesting the H. R. to return bill of Senate No. 106, - - - -	Sands,	525
Thanking the Hon. J. D. Bright, President of Senate, - - - -	Ritchey,	563
Directing the door keeper to keep a fire in the Senate Chamber one week previous to next session, - - - -	Pennington,	595
Thanking Wm. T. Otto and E. C. Doran, secretary and assistant secretary, for the efficient discharge of their several duties,	Carr of L.,	596
Appointing a committee to wait on Gov'r,	Carr of J.,	597
Informing the H. of R. of the Senate's adjournment <i>sine die</i> , - - - -	Pennington,	602

## READ, JAMES G.

Appears,	-	-	-	-	3
Motion by to lay resolution for electing President Judge on table,	-	-	-	-	9
Motion by to lay bill No. 1 on table,	-	-	-	-	36
Motion by to take up salary bill of S. No. 23,	-	-	-	-	71, 79
Motion by to abolish two com'rs on N. Albany road,	-	-	-	-	171
Motion by to amend bill No. 66 of S.,	-	-	-	-	223
Motion by to change his vote on passage of bill of S. 66,	-	-	-	-	224
Motion by to lay on table resolutions in relation to Henry's contested seat,	-	-	-	-	319
Motion by to read 3d time joint resolution, (Gen. Jackson's fine,)	-	-	-	-	358

## REEVE, BENJAMIN F.

Appears,	-	-	-	-	3
Motion by to amend salary bill of H. R. No. 45,	-	-	-	-	62
Motion by to lay on table bill of S. No. 121, (Rush boundary,)	-	-	-	-	405

## REYBURN, WM. M.

Appears and sworn,	-	-	-	-	4
Motion by to amend salary bill of S. No. 23,	-	-	-	-	70, 82
Motion by to amend bill of S. No. 41, (relief of treasurers,)	-	-	-	-	146
Motion by to lay on table remonstrance of James Read and others,	-	-	-	-	171
Motion by to postpone bill of S. No. 84,	-	-	-	-	188
Motion by to lay on table bill of H. R. 341, to attach part of Miami to Fulton,	-	-	-	-	537
Motion by, on bill 313 H. R. (Cass school commissioner,)	-	-	-	-	547

## RITCHEY, JAMES.

Appears,	-	-	-	-	4
Motion by to amend Orth's resolution relating to Kelso and Henry,	-	-	-	-	41
Motion by to amend salary bill of H. R. No. 45,	-	-	-	-	61
Motion by to amend salary bill of S. No. 23,	-	-	-	-	69
Motion by to amend bill of S. No. 10,	-	-	-	-	94
Motion by to indefinitely postpone bill No. 46 of S.	-	-	-	-	142
Motion by to strike out of bill of S. No. 41, "Johnson co."	-	-	-	-	159
Motion by to correct the Journals,	-	-	-	-	241
Motion by to lay on table report of committee on elections in relation to contested seat of D. Henry,	-	-	-	-	317

Motion by to amend 18th standing rule of Senate,	-	348
Motion by to amend specific appropriation bill,	-	539
Motion by to amend same,	-	540

### RULES.

Rules of last session adopted,	-	8
Joint rules of last session adopted,	-	8

### SANDS, ISAAC.

Appears,	-	3
Motion by to amend resolution for furnishing papers,	-	9
Motion by to amend salary bill of H. R. No. 45,	-	62
Motion by to amend salary bill of H. R. No. 45, and of Sen. No. 23,	-	78, 83

### SECRETARY OF STATE.

Report from Wm. Sheets, Secretary, see *Reports*.

### SINCLEAR, JOSEPH.

Appears,	-	3
Motion by to reconsider a vote, (Cross-Cut Canal at Williamsport,)	-	342

### SHANKS, WILLIAM.

Appears,	-	4
Motion by, to lay on table report of committee on elections by minority,	-	385
Motion by, to take up majority report on same subject,	-	385

### STANFORD, THOMAS R.

Appears,	-	4
Motion by, to amend bill of Senate No. 41 (relief of treasurers),	-	146
Motion by, to add "bridge over Blue river at Knightstown,"	-	163
Motion by, to amend specific appropriation bill,	-	539

### STAPP, MILTON. (*Late Fund Commissioner.*)

Communication from,	-	359
---------------------	---	-----

## STATE PRISON.

Contract with Superintendents for new prison,	-	-	606
Directions and specifications for new prison,	-	-	608

## T

## TANNEHILL, ZACHARIAH,

Appears,	-	-	4
Motion by, to recommit joint resolution of Senate No. 13,	-	-	91
Motion by, to commit bill of Senate No. 43 (county auditors),	-	-	149
Motion by, to reconsider vote suspending distribution of suspended debt by Agent,	-	-	228
Motion by, to except Bartholomew in bill of H. R. No. 180,	-	-	482

## TREASURER OF STATE.

Reports from, see <i>Reports</i> .	-	-	-
Election of,	-	-	114

## TODD, THOMAS J.

Appears and sworn,	-	-	5
Motion by, to take up Chapman's resolution for papers,	-	-	10
Motion by, to amend salary bill of Senate No. 23,	-	-	69

## V

## VETO.

Of bill No. 165, for the relief of Patrick Justice of Delaware county,	-	-	585
--	---	---	-----

## W

## WALPOLE, THOMAS D.

Appears as President pro tem. of Senate,	-	-	3
Motion by, to amend resolution of H. R., as to electing Judges,	-	-	49
Motion by, to amend bill of H. R. No. 45 (salary bill),	-	-	59, 63
Motion by, to instruct committee on petition from Floyd relative to alleged frauds in elections,	-	-	118
Appeals from decision of Chair in case of Henry's contested seat,	-	-	319
Motion by, to instruct committee on bill of Senate No. 90,	-	-	374
Motion by, to add Hancock and Madison to bill of H. R. No. 202,	-	-	480
Motion by, to make the revenue bill the special order,	-	-	520

Motion by, to amend specific appropriation bill, -	541.
Motion by, to amend resolution of thanks to Hon. J. D. Bright, by striking out "unanimously," -	563
Motion by, to record his name in the vote as to Mr. Henry's right to a seat—refused by President, -	564
Motion by, to appeal from decision of President, -	564

#### WILBER, SHADRACH.

Appears and sworn, -	5
Motion by, to amend salary bill of H. R. No. 45, -	61
Motion by, to amend joint resolution No. 13, so as to include Joseph H. Hendricks, -	91
Motion by, to insert "Jefferson" in bill of Senate No. 70, -	178
Motion by, to amend bill of H. R. No. 126 (tolls on Wabash and Erie canal, -	436

#### WOOD, ISAAC F.

Appears and sworn, -	4
Motion by, to insert Randolph in bill of H. R. No. 100, -	141





